

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW NO. 024-19

Being a Bylaw to regulate and abate nuisances and Unsightly Premises within the City of Chestermere, in the Province of Alberta.

WHEREAS Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26 permits a council to pass bylaws respecting nuisances, including unsightly property; the safety, health and welfare of people; and the protection of people and property; and

WHEREAS Council deems it necessary to provide for an efficient means of regulating and encouraging the abatement of Unsightly Premises and related nuisances within the City of Chestermere; and

WHEREAS Council deems it necessary to repeal and replace Bylaw No.013-11, the existing "Unsightly Property Bylaw";

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CHESTERMERE IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. TITLE

This Bylaw may be cited as the "Unsightly Premises Bylaw".

2. DEFINITIONS

In this Bylaw, unless the context otherwise requires:

- (a) "Animal Material" means any animal excrement, offal, carcasses or parts thereof, and Includes all material accumulated on a Premises from the operation of pet pens, pet yards, kennels, stables, veterinary clinics or animal hospitals;
- (b) "Appeal Fee" means a fee added to the actual expenses incurred by the City for remedial measures taken pursuant to the provisions of this Bylaw and such fee is equal to the greater of \$150.00 or twenty percent of the actual expenses incurred by the City;
- (c) "Ashes" means the powdery residue that remains or results from the combustion of any substance and Includes any partially burnt wood, charcoal or coal;

- (d) "Building Material" means all material or debris associated with the construction, renovation or demolition of any building or other structure and Includes, but is not limited to: wood, gypsum board, roofing, pipe, wiring, vinyl siding, metal, packaging material, containers, gravel, concrete, asphalt, and any earth, vegetation or rock displaced or stockpiled during such construction, renovation or demolition;
- (e) "Boulevard" means that portion of a road right-of-way located between the property line and the curb, and may include but is not limited to, side-walks and bulb-outs;
- (f) "CAO" means the Chief Administrative Officer of the City of Chestermere or, in his/her absence, the Person appointed as Acting Chief Administrative Officer;
- (g) "City" means the municipal corporation of the City of Chestermere in the Province of Alberta, or the area located within the City of Chestermere's corporate limits, as the context requires;
- (h) "Complaint" refers to the initial reported contravention of this Bylaw, whether such complaint is made by a member of the public, an employee of the City, or is self-generated by an Enforcement Officer in order to prevent continued or further contravention of the provisions of this Bylaw;
- (i) "Control" in reference to weeds and grass means to:
 - i. cut, mow or carry out other measures designed to inhibit propagation of the weed, or the excessive growth of grass; or
 - ii. destroy the weed if specified by a Community Peace Officer, Bylaw Enforcement Officer or Weed Inspector employed by the City of Chestermere; or
 - iii. carry out other measures as prescribed by a Community Peace Officer, Bylaw Enforcement Officer or Weed Inspector employed by the City of Chestermere;
- (j) "Council" means the Council of the City of Chestermere;
- (k) "Court" means the Provincial Court of Alberta;
- (l) "Enforcement Officer" means a Community Peace Officer, Bylaw Enforcement Officer, RCMP Constable or other Person appointed by the City and who is authorized to enforce Bylaws of the City of Chestermere;

- (m) "Garbage" means any household or commercial rubbish including, but not limited to, boxes, cartons, bottles, cans, containers, packaging, wrapping material, waste paper, cardboard, food, organic waste, discarded clothing or fabric, or any other discarded household or commercial items;
- (n) "Graffiti" means words, figures, letters or drawings scribbled, scratched, painted or sprayed upon any surface without the consent of the owner of the building or other surface upon which such Graffiti has been placed;
- (o) "Including or Includes" when introducing a list of items, does not limit the meaning of the words to those items or to items of a similar kind;
- (p) "Municipal Government Act" means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or replaced from time to time;
- (q) "Notice" means a Notice issued pursuant to the provisions of this Bylaw requiring an Owner to remedy any condition of a property or Premises that is not in compliance with any provision of this Bylaw;
- (r) "Owner" of a property or Premises means:
 - (i) a Person who is shown as the Owner of the property on the subject Land Title;
 - (ii) a Person who is recorded as the Owner of the property on the tax assessment roll of the City;
 - (iii) a Person who is an occupant of the property or Premises pursuant to a rental or lease agreement, licence or permit, or who otherwise occupies the property or Premises with the permission or consent of the legal Owner;
 - (iv) a Person who has purchased or otherwise acquired the land, whether he has purchased or otherwise acquired the land directly from the Owner or from another purchaser, and who has not yet become the registered Owner thereof;
 - (v) a Person holding themselves out as a Person having the powers and authority of ownership or control of the property or Premises, or any Person, who for the time being, exercises the powers and authority of ownership or control of the property or Premises; or

- (vi) a Person, business, contractor, corporation or partnership controlling or managing the property or Premises while under construction, renovation or demolition;
- (s) "Person" means an individual or any business entity Including a firm, partnership, association, contractor, corporation, company, or society;
- (t) "Premises" means the lands, buildings, and other structures of any property situated in whole or in part within the City, and Includes any land or buildings owned or leased by the City;
- (u) "Provincial Offences Procedure Act" means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;
- (v) "Residential Development" means any land that is the site of one or more residential buildings, excepting farms, ranches, and other land which is primarily used for bona fide industrial, agricultural, or commercial purposes;
- (w) "Unightly Premises" means any Premises or part thereof that clearly shows signs of neglect, or which otherwise exhibits a significant lack of general maintenance, clean-up, or upkeep, and which Includes but is not limited to:
 - (i) any land upon which there is an excessive, unusual, or unreasonable accumulation of:
 - a. Animal Material, Ashes, Yard Material, Building Material, Garbage, weeds, human excrement, sewage, hazardous materials, piles of soil, clay or rubble, petroleum products, metal, plastics, fabrics, used containers, paper products, pipe, or any other form of scrap, litter, trash, junk, or waste of any kind;
 - b. Vehicles in obvious state of significant disassembly, parts of disassembled Vehicles (including tires/wheels), appliances, machinery, equipment, or power tools;
 - c. industrial equipment, components or heavy machinery;
 - d. surplus, disused, damaged or stored household or commercial chattels, furniture, carpet or appliances; or
 - e. surplus, disused, damaged or stored Vehicles, trailers, motorcycles, bicycles, boats and recreational Vehicles, Including any such items that are inoperative by reason of disrepair, removed or missing parts, age, damage, or which are otherwise not in a legally roadworthy or functioning condition;

- (ii) any building, structure, or other improvement that exhibits significant physical deterioration, including buildings and structures that suffer from:
 - a. broken (or missing) windows, siding, shingles, shutters, eaves, roofing or finishing materials; or
 - b. clearly visible exterior or structural deterioration, damage or decay, including significant fading, chipping or peeling of painted surfaces;
- (x) "Vehicle" has the same meaning as defined in the Traffic Safety Act, and includes any motorized vehicle that is unable to be moved under its own power;
- (y) "Yard Material" means waste material of an organic nature formed as a result of gardening, landscaping, horticultural pursuits, or agricultural activities and includes grass, tree or shrub cuttings, waste sod and decomposing plants, leaves, weeds and noxious or prohibited noxious weeds.

3. GENERAL PROHIBITION

- a) An Owner of a Premises shall ensure that the premises does not become or continue to be an Unightly Premises as defined in this Bylaw.
- b) An Owner of a Premises shall ensure that the premises does not become or continue to be a risk of danger to the public, themselves, or to other Premises or property.
- c) An Owner of a Premises shall ensure that any garbage, refuse or waste material placed in a bin, can, box, Vehicle or any other receptacle located on the Premises, or placed in a Vehicle or trailer located on a highway adjacent to the Premises, does not accumulate to the extent that it becomes unsightly or otherwise detrimental to adjacent or neighbouring properties.
- d) An Owner of a Premises shall ensure that any activity or conduct of any person occupying or using the premises does not become or continue to be a nuisance or a risk of danger to the public, or otherwise interfere with other Persons' repose, comfort or peaceful enjoyment of their property.
- e) When making the determination as to whether a particular premises is an Unightly Premises, or as to whether the owner of a premises has allowed the premises or its occupiers to become or continue to be a

nuisance or risk of danger to other persons or property, the Court may consider any admissible evidence as to:

- i. the general condition and state of upkeep and tidiness of other premises located in the same neighbourhood, community or vicinity;
- ii. the nature, size, location and permitted use of the premises, and whether or not the premises is located within a Residential Development;
- iii. the nature of the unsightly or nuisance condition complained of, and the period of time that such condition has persisted;
- iv. whether the premises has been issued a permit to undergo construction, renovation, or demolition, and the period of time that such activity has been ongoing;
- v. whether the owner of the premises had been previously notified or warned by an Enforcement Officer that the premises is not being kept in compliance with the provisions of this Bylaw; and
- vi. any other circumstances or factors relating to the premises which the Court considers are relevant to the subject determination.

4. WEEDS, GRASS AND TREES

- a) An Owner of a Premises shall control all trees, sapplings, weeds and grass on the premises, and on any Boulevard which abuts or adjoins the premises, including up to the center of lanes or alleys at the rear or side of the premises. An Owner shall ensure that the height of grass on the premises is reasonably controlled so as to prevent the grass from becoming unreasonably long and unsightly, having regard to the typical height of the grass on adjacent or neighbouring premises.
- b) An Owner of a Premises shall not allow grasses or weeds on the premises to exceed a height of 15 centimetres.
- c) An Owner of a Premises shall remove any trees, shrubs, foilage or parts thereof:
 - i. that overhang or encroach upon public property, and which, due to a deterioration of condition or for any other reason, become or create a traffic or public safety hazard; or

- ii. which become unsightly or which create a risk of causing damage to public property or impedes the use of public property.
- d) An Owner of a Premises shall control all weeds and grass on the premises, and on any Boulevard which abuts or adjoins the premises in accordance with the management practices set out by the Alberta Environmental Protection and Enhancement Act for an Integrated Pest Management (IPM) program.
- e) Section 4 of this Bylaw shall not apply to grass and weeds (excluding weeds classified as noxious or noxious prohibited) on public lands, or on premises located in areas defined in the Land Use Bylaw as Large Lot Rural Residential District (LLR), Rural Residential District (RR), Urban Transition (UT) or Special Recreation District (SPR).
- f) The exception provided in Section 4(e) of this Bylaw shall not apply to grass and weeds on premises located in areas defined in the Land Use Bylaw as Large Lot Rural Residential District (LLR), Rural Residential District (RR), Urban Transition (UT) or Special Recreation District (SPR), where there is a structure on the property that has landscaping incorporated into the development permit, and where the structure is visible from a public roadway.

5. CONSTRUCTION SITES

- a) An Owner of a Premises or property under construction, renovation or demolition shall ensure that all building materials and waste building materials on the premises are contained and secured in such a manner that prevents such material from being blown off the structure or scattered throughout or off the property.
- b) An Owner of a Premises or property under construction, renovation or demolition shall ensure that waste building materials and other refuse are removed from the property, or collected and securely contained in covered waste bins or containers, that do not allow for the escape of the contents.
- c) An Owner of a Premises or property under construction, renovation or demolition shall ensure that waste building materials and other refuse are removed from the property within 48 hours of when the container or waste bin containing same becomes full and incapable of reasonably containing any further material.
- d) An Owner of a Premises or property under construction, renovation or demolition shall ensure that the property, building materials and equipment are kept in an orderly fashion, and that the property is kept

free of excessive amounts of debris, refuse, garbage, scrap wood, metal, foam, plastics or any other such materials associated with the construction, renovation, or demolition.

- e) The City may withhold municipal services to an Owner of a Premises or property under construction, renovation or demolition, or to a homebuilder, developer or other person or company undertaking such activity in relation to the premises, until any condition of the Premises that is in contravention of this Bylaw has been remedied.

6. GENERAL PROPERTY AND BUILDING MAINTENANCE STANDARDS – OWNERS’ DUTIES

- a) An Owner of a Premises shall ensure that:
 - i. any Graffiti, or any other message deemed to be offensive by the CAO or his/her designate, that has been placed on the exterior surfaces of any structures, chattels, signs or other property located on the Premises, is removed, painted over, or otherwise eliminated from public view not later than 2 days after the Owner of the Premises has been notified by an Enforcement Officer of the presence of the subject Graffiti or offensive message and the requirement under this Bylaw that it be removed; and
 - ii. large accumulations of dead grass, brush or other vegetation is removed from the Premises, or is otherwise controlled so as to prevent the harboring and propagation of vermin and similar pests.
- b) An Owner of a Premises, whether presently occupied or not, shall ensure that:
 - i. trees or other vegetation growing on the premises does not interfere with or endanger the lines, poles, conduits, pipes, sewers, or other public works of the City;
 - ii. water from the premises is not re-directed or intentionally released onto public roadways, pathways, or other City lands, without prior permission first being obtained from the City;
 - iii. dense, dark, opaque, or ash-laden smoke, or dense dust is not emitted from the Premises;
 - iv. Garbage, litter, Building Material, yard material or any other household material is not blown off of the Premises, or otherwise scattered beyond the property boundaries of the premises; and

- v. the drainage swale on their property is not partially or completely blocked by the presence of any material or structure.
- c) Where branches, foliage, roots, or other parts of trees, shrubs or other vegetation growing on a premises extend beyond the property lines of the Premises, and are interfering with or obstructing any line, lighting, roads, sewers or other public works of the City, an Enforcement Officer may authorize, with or without Notice to the Owner of the subject Premises, the immediate removal of any such interference or obstruction.
- d) An Owner of a Premises shall ensure that the property, and the buildings and other structures located thereon, are properly maintained and visibly appear to be in good repair. This Includes, but is not limited to:
 - i. fences and their structural members;
 - ii. foundations and foundation walls;
 - iii. all exterior walls of a structure or dwelling;
 - iv. roofs of all structures and dwellings;
 - v. protective or decorative finishes on a fence or structure; and
 - vi. exterior stairs, landings, porches, balconies and decks.
- e) Where remedial measures are carried out pursuant to Section 6(c) of this Bylaw, neither the City nor any employees or contractors thereof may be held financially liable in any way in relation to any such remedial actions taken.
- f) An Owner of a Premises, except for the immediate loading and unloading, shall ensure that no vehicle or trailer is parked or stored on any part of the property that exists between the street and the front of the house, or the part of property that exists between the front sides of house and the adjacent property line, except on a driveway or parking pad that has been authorized pursuant to the Chestermere Land Use Bylaw.

7. ILLEGAL DUMPING

- a) No Person shall personally, nor by their employee, servant or agent, discard, place, desposit or leave any Garbage, refuse, debris or any other material upon any public property, in such a quantity that would require the deployment of a City work crew and/or specialized equipment to effect its removal, other than in officially designated areas, within the City.

- b) No registered Owner of a Vehicle shall be permitted to use that Vehicle to discard, place, desposit or leave any Garbage, refuse, debris or any other material upon any public property, in such a quantity that would require the deployment of a City work crew and/or specialized equipment to effect its removal, other than in officially designated areas, within the City.
- c) No Person shall personally, nor by their employee, servant or agent, discard, place, desposit or leave any Garbage, refuse, debris or any other material upon any private property, without the permission and consent of the owner of such property.
- d) Any person who has contravened Section 7(a), Section 7(b) or Section 7(c) of this Bylaw shall, within 24 hours after being directed by an Enforcement Officer, remove the subject garbage, refuse, debris or other material from the property and place it in the nearest designated area.
- e) Where Garbage, refuse, debris or any other material has been discarded or left on private property without permission and consent, the Owner of the private property is responsible for the removal of such discarded material, and the Owner of the private property is responsible for ensuring that the subject property is kept and maintained in compliance with the provisions of this Bylaw.

8. EXEMPTIONS & EXCEPTIONS

- a) The provisions of this Bylaw shall not be interpreted in a way that prevents bona fide and lawfully permitted commercial, industrial, agricultural, construction, demolition, renovation, landscaping, clean-up, storage or other legally approved activities from being carried out on, or in relation to a premises.
- b) An Owner of a Premises that legally carries on, or permits the carrying on of any of the activities referred to in Section 8(a) of this Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightly condition of the Premises.
- c) When making the determination, as required by Section 8(b), as to whether the Owner of a Premises has taken "all reasonable steps to minimize the duration and visual impact" of the unsightly condition resulting from the particular legally permitted activity, the Court's considerations may include any admissible evidence as to any of the factors contained in Section 3(e) of this Bylaw.

9. BYLAW COMPLIANCE NOTICES

- a) Where an Owner of a Premises is found to be in non-compliance with any provision of this Bylaw, an Enforcement Officer may issue and serve upon the Owner of the Premises a Bylaw Compliance Notice containing the following:
- i. the address and/or physical location where remedial action is required;
 - ii. the condition or conditions that are not in compliance with this Bylaw;
 - iii. the remedial action that is required; and
 - iv. the deadline for completion of the remedial action required. The deadline for completion of the remedial action must not be less than 14 days from the date of service of the Notice and must not be greater than 30 days from the date of service of the Notice.
- b) An application for an extension of the deadline prescribed by a Bylaw compliance Notice for the completion of the remedial action required may be applied for in writing to the Enforcement Officer who issued the said Notice within 7 days of an Owner's receipt of the Notice. The extension application must include the reasons why the deadline extension is required. Any such deadline extension allowed by the Enforcement Officer may not extend more than 30 days past the original prescribed deadline for completion, and any such extension is issued at the sole discretion of the Enforcement Officer.
- c) Notwithstanding Section 9(a) and Section 9(b) of this Bylaw, where an Owner of a Premises is issued a Notice in relation to non-compliance with Section 4 of this Bylaw (Control/removal of weeds, grass, trees or shrubs) or non-compliance with Section 6(a)(i) of this Bylaw (removal of Graffiti), the deadline for completion of the remedial action may be no less than 7 days and no more than 10 days from the date of service of the Notice, and an application for a deadline extension pursuant to Section 9(b) of this Bylaw is not permitted.
- d) Where the specified remedial action is not completed on or before the deadline prescribed by a Bylaw compliance Notice issued in relation to non-compliance with Section 4 of this Bylaw (Control/removal of weeds, grass, trees or shrubs), the City may immediately take all necessary and reasonable measures to remedy the subject non-compliant conditions. All City expenses and costs incurred, including an Administration Fee, associated with the subject remediation is a debt owing to the City and will be subject to cost recovery proceedings.
- e) Any Notice issued pursuant to this Section will be deemed to have been sufficiently served upon an Owner of the Premises:

- i. when served personally upon the Owner, or served substitutionally upon any Person who is 18 years of age or older who resides in the subject Premises, if the Premises is occupied by the Owner;
 - ii. when served personally upon an occupant of the Premises who is 18 years of age or older, or upon an agent or employee of the Owner, or upon a Person apparently in charge of the Premises, if the Premises is not occupied by the Owner;
 - iii. three days after being posted at a conspicuous location on the Premises; or
 - iv. when mailed by regular mail to an Owner of the Premises using the address provided by the Owner and on record with the City of Chestermere as the mailing address for the Owner of the Premises.
- f) Where a Bylaw Compliance Notice has been previously issued to an Owner of a Premises pursuant to this Section in relation to non-compliance with Section 4 of this Bylaw (Control/removal of weeds, grass, trees or shrubs), and another similar non-compliant condition occurs within a six-month period, the necessary and required remedial action may be undertaken by the City without any further Notice being issued to the Owner. All City expenses and costs incurred, including an Appeal Fee, associated with the subject remediation is a debt owing to the City and will be subject to cost recovery proceedings.
- g) Where remedial measures are carried out by the City pursuant to Section 9(d) or Section 9(f) of this Bylaw, neither the City nor any employees or contractors thereof may be held financially liable in any way in relation to any such remedial actions taken.
- h) An Owner of a Premises who has been issued a Remedial Notice pursuant to Section 9(a) of this Bylaw shall fully comply with the said Notice on or before the initial or subsequently extended deadline for compliance allowed for the subject remedial measures to be completed.
- i) A Person shall not prevent or obstruct a Peace Officer from carrying out any official duty authorized by the provisions of this Bylaw or by the provisions of the Municipal Government Act.

10. APPEALS OF BYLAW COMPLIANCE NOTICES

- a) A Bylaw Compliance Notice issued to an Owner of a Premises pursuant to Section 9(a) of this Bylaw, excepting Notices issued in relation to non-compliance with Section 4 of this Bylaw (Control/removal of weeds, grass, trees or shrubs), may be appealed to the CAO or his/her designate, by delivering a written appeal and a \$150.00 Appeal Fee to the City Office within 7 days of the Owner's receipt of the subject Notice. The appeal must be in written form and provide all of the appellant's contact information, and a detailed basis of the appeal. Any appeal must be made by the Person to whom the subject Notice was directed, the registered Owner of the subject Premises, or either of their authorized designates. If the appeal is granted, the Appeal Fee shall be refunded.
- b) Upon receipt of a written appeal submitted pursuant to Section 10(a), the CAO or his/her designate will review the subject remedial Notice, the enforcement file, the Bylaw, the written appeal and any materials provided therewith. The CAO or his/her designate may decide to uphold, vary, or revoke the subject Bylaw compliance Notice, and will communicate such decision to the appellant in writing within 10 days of the receipt of the written appeal, including, where applicable, the date by which the upheld or varied Bylaw compliance Notice must be complied with.
 - i. The CAO in making a decision regarding the appeal shall use the criteria of whether in issuing the Remedial Notice, the Bylaw was properly applied by the enforcing Officer.
- c) Where remedial measures are undertaken by the City pursuant to Section 9(d) or Section 9(f) of this Bylaw and cost recovery action is commenced by the City, an appeal only as to the amount of the debt owing to the City may be made to the CAO or his/her designate by delivering a written appeal to the City Office within 7 days of the Owner being notified of such cost recovery action.
- d) Upon receipt of a written appeal submitted pursuant to Section 10(c), the CAO or his/her designate will review the subject Remedial Notice, the enforcement file, the Bylaw, the costs of the remedial action taken by the City, the written appeal, and any other circumstances that are considered relevant to the subject appeal. The CAO or his/her designate may decide to uphold, vary, or cancel the subject debt owing to the City, and will communicate such decision to the appellant in writing within 10 days of the receipt of the written appeal.
- e) Where a written appeal of a Bylaw compliance Notice is submitted in accordance with the provisions of Section 10(a) of this Bylaw, the time period remaining before the expiry of the deadline for compliance as

prescribed by the subject Notice shall be suspended until the final determination of the appeal has been provided to the appellant. At that time, if the Notice is either upheld or varied, the revised deadline for compliance shall be not less than the time period that remained before the expiry of the original deadline for compliance on the date that the appeal was submitted.

11. ENFORCEMENT

- a) Where an Enforcement Officer has reasonable grounds to believe that a Person has contravened any provision of this Bylaw, the Enforcement Officer may commence proceedings against such Person by:
 - i. issuing the Person a Violation Ticket pursuant to the provisions of the Provincial Offences Procedure Act;
 - ii. swearing out an Information and Complaint against the Person;
 - or
 - iii. in lieu of prosecution, issuing the Person a Bylaw Violation Tag in a form as approved by the CAO.
- b) Where an Enforcement Officer issues a Person a Violation Ticket in accordance with Section 11(a)(ii) of this Bylaw, the Officer may either:
 - i. allow the Person the option of paying the specified penalty as provided for in Appendix "A", which is hereunto attached and forms part of this Bylaw, by indicating such specified penalty on the Violation Ticket; or
 - ii. require a Court appearance of the Person where the Enforcement Officer believes that such appearance is in the public interest, pursuant to the provisions of the Provincial Offences Procedure Act.
- c) Where a Bylaw Violation Tag is issued to a Person and is not paid within 14 days of the date of issue, the Enforcement Officer may proceed by way of prosecution in accordance with Sections 11(a)(i) or 11(a)(ii) of this Bylaw.
- d) No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent or preclude an Enforcement Officer or the City from pursuing any other action or remedy in relation to a Person, Premises, or nuisance as provided by the provisions of the Municipal Government Act, any other law of the Province of Alberta, or any other bylaw of the City.

12. GENERAL PENALTY PROVISION

- a) Any Person that violates any provision of this Bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$10,000 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

13. MINIMUM AND SPECIFIED PENALTIES

- a) The specified and minimum penalties, and penalties in lieu of prosecution payable for a violation of any of the provisions of this Bylaw are as set out in Schedule "A", which is hereunto attached to and forms part of this Bylaw, and which may be amended from time to time by a resolution of City Council.

14. SEVERABILITY

- a) It is the intention of City Council that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any section or provision of this Bylaw be found to have been improperly enacted, or otherwise of no force or effect, then such section or provision shall be regarded as being severable from the remainder of this Bylaw, and that the Bylaw remaining after such severance shall remain of full force and effect.

15. STRICT LIABILITY OFFENCE

- a) It is the intention of City Council that all offences created by this Bylaw be interpreted to be strict liability offences.

16. REPEAL OF PRIOR BYLAWS

- a) Bylaw No. #013-11, being the "Unsightly Property Bylaw", is hereby repealed on the date that this Bylaw comes into force and effect.

17. EFFECTIVE DATE

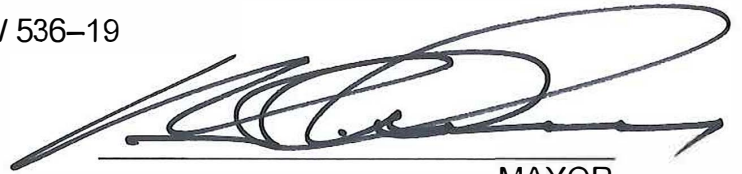
This bylaw shall come into force and effect upon it receiving third reading by Council.

READ A FIRST TIME this 3rd day of December, 2019.

READ A SECOND TIME this 17th day of December, 2019.

READ A THIRD TIME this 17th day of December, 2019.

Resolution Numbers – 497–19 / 535–19 / 536–19

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

MAYOR

A smaller, more compact handwritten signature in black ink, appearing to be the initials 'B.A.' followed by a horizontal line.

CAO

Schedule "A"

*The Minimum Penalty for an offence is also the Penalty in Lieu of Prosecution for that offence.

SECTION	OFFENCE	MINIMUM PENALTY	SPECIFIED PENALTY
3(a)	Allow property to become/continue to be unsightly	\$350.00	\$1000.00
3(b)	Allow property to become/continue to be a risk to public safety	\$350.00	\$1000.00
3(c)	Allow excessive accumulation of Garbage/refuse/waste	\$350.00	\$1000.00
3(d)	Allow activity/conduct on property to become/continue to be a nuisance or a risk to public safety	\$500.00	\$1000.00
4(a)	Fail to control grass/weeds on property or Boulevard/alley	\$150.00	\$300.00
4(b)	Allow grass/weeds on property to exceed 15cm in length	\$150.00	\$300.00
4(c)(i)	Fail to remove foliage that encroaches on public property and creates traffic/public safety hazard	\$150.00	\$300.00
4(c)(ii)	Fail to remove foliage that becomes unsightly or which creates risk of damage to public property	\$150.00	\$300.00
5(a)	Fail to properly secure/contain materials on construction site	\$2000.00	\$5000.00
5(b)	Fail to properly dispose of/contain waste materials/refuse in appropriate waste bins/containers on construction site	\$1000.00	\$2000.00
5(c)	Fail to remove full waste/refuse bins within 48hrs from construction site	\$1000.00	\$2000.00
5(d)	Fail to maintain construction site in orderly/appropriate manner	\$1000.00	\$2000.00
6(a)(i)	Fail to remove Graffiti/offensive messages from property	\$300.00	\$500.00
6(a)(ii)	Fail to remove/control dead foliage to prevent pest infestation	\$300.00	\$500.00
6(b)(i)	Allow foliage of property to interfere with public utilities	\$1000.00	\$2000.00
6(b)(ii)	Allow water from property to be re-directed/intentionally released onto public property	\$300.00	\$500.00
6(b)(iii)	Allow dense smoke/dust/Ash to be emitted from property	\$300.00	\$500.00
6(b)(iv)	Fail to contain Garbage/refuse/other materials on own property	\$300.00	\$500.00
6(b)(v)	Fail to ensure drainage swale is free of debris/material	\$300.00	\$500.00
6(d)(i)	Fail to maintain fencing on property	\$300.00	\$500.00
6(d)(ii)	Fail to maintain structure foundation/foundation walls	\$300.00	\$500.00
6(d)(iii)	Fail to maintain exterior walls of structure/dwelling	\$300.00	\$500.00

6(d)(iv)	Fail to maintain roof of structure/dwelling	\$300.00	\$500.00
6(d)(v)	Fail to maintain protective/decorative finishes on fence/structure	\$300.00	\$500.00
6(d)(vi)	Fail to maintain exterior stairs/landings/deck/balconies	\$300.00	\$500.00
6(f)	Allow Vehicle/trailer to be parked on front lawn of property	\$200.00	\$300.00
7(a)	Improper disposal of waste/litter/debris on public property	\$500.00	\$2000.00
7(b)	Registered owner of Vehicle involved in improper disposal of waste/litter/debris on public property.	\$2500.00	\$5000.00
7(c)	Improper disposal of waste/litter/debris on private property	\$500.00	\$2000.00
7(d)	Owner of property fail to dispose of illegally dumped waste/litter/debris, as directed	\$300.00	\$500.00
9(h)	Fail to comply with remedial Notice (weeds/grass/trees/shrubs)	\$500.00	\$750.00
9(h)	Fail to comply with remedial Notice	\$1000.00	\$3000.00
9(i)	Obstruct Peace Officer	\$1000.00	\$2500.00