



## **TOWN OF EDSON BYLAW NO. 2218**

A Bylaw of the Town of Edson in the Province of Alberta, pursuant to the provisions of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta 2000 and amendments thereto, to establish standards for personal conduct and decorum within Edson for the use and maintenance of property, in order to prevent and/or rectify unreasonable noise, nuisances, unsightly premises, and hazardous conditions, and to ensure a safe, hospitable, and attractive living environment throughout the municipality.

**WHEREAS** the *Municipal Government Act* provides that municipal councils may pass bylaws respecting “the safety, health and welfare of people and the protection of people and property”; “people, activities and things in, on or near a public place that is open to the public”; and “nuisances, including unsightly property”;

**AND WHEREAS** the *Municipal Government Act* allows for the enforcement of bylaws through the “creation of offences”; the carrying out of inspection; “the imposition of fines(s) not exceeding \$10,000 or imprisonment for not more than one year, or both” the issuance of orders to remedy bylaw infractions; the remedying of bylaw infractions at an offender’s expense; and the abstention from prosecution for an offence if the offender pays a specified amount by a given deadline;

**AND WHEREAS** the rules established in the Bylaw are beneficial to the safety, health, and welfare of Edson residents;

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

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## TOWN OF EDSON BYLAW NO. 2218

### Part 1—Title, Definitions, and Interpretation

#### 1. Bylaw Title

1.1 This Bylaw may be cited as the “Community Standards Bylaw”.

#### 2. Definitions

2.1 For the purposes of this Bylaw, the following words and phrases are to be defined and understood as indicated:

2.2 “*Boulevard*” means that part of a highway that

- a) Is not a roadway; and
- b) Is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians.

2.3 “*CAO*” means the Chief Administrative Officer of the Town of Edson.

2.4 “*Construction*” means the demolition, assembly, or installation of a structure or other physical feature of a property, including fences, ornaments, and walls, and any work performed pursuant to this, including the use of any tools, machinery, or equipment.

2.5 “*Contravener*” see “*Offender*”

2.6 “*Council*” means the municipal Council of the Town of Edson.

2.7 “*Detrimental to the surrounding area*” means causing the decline of the market value of property in the surrounding area.

2.8 “*Development Authority*” means the Development Officer, or person delegated by the Town Manager to act on the Development Officer’s behalf, pursuant to the Town’s Development Authority Bylaw.

2.9 “*Lawn*” means the grass, weeds, and other low-cut vegetation on that portion of a parcel of land which is not given over to structures, gardens, woody plants, trees, or other natural or built landscaping features, and which allows for the unimpeded movement of people across its surface.

2.10 “*May*” means a discretionary item, and indicates that a range of possible actions are permissible and/or available.

2.11 “*Municipal Government Act*” means the *Municipal Government Act* of Alberta.

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- 2.12 “*Municipal Tag*” means a ticket alleging an offence against this Bylaw which specifies an amount that may be paid to the Town by the offender within a prescribed period of time, and which allows for the offender, in the event of his/her payment of the prescribed amount, to avoid prosecution for the offence.
- 2.13 “*Nighttime*” means between the hours of:
- a) 10:00 pm and 7:00 am
- 2.14 “*Noise*” means any sound which may annoy, disturb, injure, endanger, or detract from the peace, tranquility, and wellbeing of a person of reasonable sensitivity.
- 2.15 “*Nuisance*” means an annoying, unpleasant potentially or actually dangerous thing or practice.
- 2.16 “*Occupier*” means a person who resides on or is in apparent possession or control of property, whether or not the occupation is pursuant to a lease, rental agreement, license, or permit.
- 2.17 “*Offender*” or “*Contravener*” means a person found or alleged to be in breach of this Bylaw, whether as a result of his/her action, inaction, or use/misuse of property.
- 2.18 “*Owner*” means a person who:
- a) In respect of land, is registered under the *Land Titles Act* as the owner of a fee simple estate in a parcel of land, or is recorded as the owner of a property on the tax assessment roll of the Town;
  - b) In respect of property other than land, is in lawful possession, has the right to exercise control over, or is registered as an owner of the property; or
  - c) Is acting as the agent of the owner of property.
- 2.19 “*Peace Officer*” includes a Peace Officer, a Community Peace Officer, Bylaw Officer and a member of the Royal Canadian Mounted Police;
- 2.20 “*Person*” means any individual, firm, partnership, association, corporation, trustee, executor, administrator, or other legal representative.
- 2.21 “*Property*” means land, structures, or items which are owned, occupied, and/or controlled by a person.
- 2.22 “*Public Place*” means any area to which the public reasonably has or is permitted to have access and includes any property owned by the Town as well as any private property to which access is not restricted by means of a physical or legal barrier, such as parking lots or commercial venues.

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- 2.23 “*Residence*” means any dwelling place, regardless of whether or not it is located in a residential zone.
- 2.24 “*Residential Zone*” means any area which is classified for residential purposes in the Town Land Use Bylaw.
- 2.25 “*Sidewalk*” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians and includes that part of a highway between the curb line or, where there is no curb line, the edge of the roadway, and the adjacent property line whether or not it is paved or unpaved.
- 2.26 “*Structure*” means a building, wall, fence, monument, or any other tangible object on a parcel of land which has been built, assembled, erected, or placed there by a person, whether or not it is permanently affixed to the parcel.
- 2.27 “*Town*” or “*Municipality*” means the Town of Edson.
- 2.28 “*Unightly Condition*” means:
- a) In respect of a structure, a structure whose exterior shows signs of significant physical deterioration or disfigurement, and/or which could detract from the health, safety, wellbeing, or enjoyment of a person of normal sensitivity; OR
  - b) In respect of land, land which shows signs of a serious disregard for general maintenance or upkeep, and/or which could detract from the health, safety, wellbeing, or enjoyment of a reasonable person.
- 2.29 “*Violation Ticket*” means a violation ticket as defined in the *Provincial Offences Procedure Act*, Chapter P-34, RSA, 2000.

### 3. Interpretation Guidelines and Severability

- 3.1 Where applicable, words in the singular shall be taken to include the plural, and vice versa.
- 3.2 Masculine pronouns include the feminine and non-gendered equivalents, and vice versa.
- 3.3 Headings are used for convenience and reference purposes only, and do not affect the meaning or validity of specific clauses.
- 3.4 References to possession of property which do not indicate a specific kind of legal relationship to that property, such as in the phrase “his/her property,” include Owners, Occupiers, and/or Persons otherwise responsible for that Property regardless of ownership or occupancy.

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- 3.5 Where specific responsibility for compliance with a provision of this Bylaw is not given, the Owner or Occupier of the land, structure, or item in question, or the person doing or abstaining from an action which is the subject of this Bylaw, shall be considered the responsible party.
- 3.6 Where descriptions of requirements or prohibitions under this Bylaw are qualitative or subjective in nature, a Peace Officer shall determine whether or not a contravention has occurred. Final determination shall be made by a court of competent jurisdiction hearing a prosecution pursuant to this Bylaw.
- 3.7 Where this Bylaw refers to another Act, bylaw, regulation, or agency, it includes reference to any amendment to or substitution for the same.
- 3.8 A person who enters property to remedy a condition as directed by Council, or the Peace Officer, shall be deemed to have the authorization of Council and shall not incur any liability therefore.
- 3.9 Inaction however caused or whatever the result. Notwithstanding the wording of the Bylaw, nothing in this Bylaw, or in any amendment hereto, shall, in any way, impose any liability on the Town for any negligence, gross negligence.
- 3.10 If any provision of this Bylaw, or any component word, phrase, sentence, or paragraph thereof, is for any reason held invalid, unconstitutional, or illegal by a court of competent jurisdiction, that portion shall be deemed a distinct and independent provision and shall be severed from the Bylaw to the extent of the invalidity, without affecting the meaning, validity, or enforceability of the remaining provisions of the Bylaw.

**Part 2—PROPERTY MAINTENANCE****4. Sidewalk Maintenance**

- 4.1 The Owner or Occupier of a property shall at all times keep any sidewalk adjacent to that Property clear of snow, ice, dirt, grass, twigs, and any other debris or refuse.
- 4.2 Subsequent to a snowfall, a Person shall be allowed 48 hours to clear the sidewalks for which s/he is responsible without liability for prosecution.
- 4.3 No Person shall deposit snow or debris from a sidewalk onto property, whether public or private, which s/he does not own or occupy.
- 4.4 A sidewalk shall be considered clear when it is cleaned for its entire width and to its surface as completely as is reasonably possible.
- 4.5 No Person shall cause damage or disfigurement of any kind to the surface of a sidewalk through the application of an ice pick, shovel, or other equipment, or by any other means.



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### 5. Obstruction of Roads, Sidewalks, and Public Utilities

- 5.1 No Person shall obstruct, or cause or allow to be obstructed, the movement of pedestrians or vehicles on sidewalks or roadways or the visibility of traffic signs, traffic lights, intersections, crosswalks, or any other feature of a roadway which is integral to the safe or expedient movement of vehicles and pedestrians, through the use of:
- a) his/her own body;
  - b) a physical object or barrier; and/or
  - c) an item, structure, or vegetation located on his/her property or an adjacent boulevard or sidewalk;
- 5.2 No Person shall make use of his/her property, or allow any condition to exist on that property, including any adjacent boulevards or sidewalks, such that a structure, object, or vegetation on that property interferes in any way with power lines, poles, conduits, pipes, or other Public Utilities.
- 5.3 Sections 5.1 and 5.2 shall not apply to:
- a) Activities or structures allowed under the terms of a Town permit, where the person can produce a copy of the permit upon request, or within a reasonable amount of time thereafter; or
  - b) Work carried out by the Town, its employees, agents, or officers.

### 6. Water Drainage—Hoses, Eavestroughs, and Downspouts

- 6.1 No Person shall allow a flow of water from a hose or similar device, an eaves trough, or a downspout on his/her property to be directed towards the property of another person, or towards a sidewalk, if it is likely that the water will flow onto that property or sidewalk.
- 6.2 Without limiting the generality of the foregoing, rainwater downspouts, eaves troughs, and similar drainage features shall be directed towards:
- a) The front or rear of a property, provided that there is a minimum of six (6) meters of permeable ground between the outfall of the drainage feature and any sidewalks towards which it is directed;
  - b) A side yard which does not abut another property; or
  - c) A side yard which abuts another property if there is a minimum of six (6) meters of permeable ground between the outfall of the drainage feature and the adjacent property.



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### 7. Snow on Roof

- 7.1 Where the nearest edge of the roofline of a structure is less than three (3) meters from the legal boundary of the parcel of land on which that structure is situated, or for any other reason is less than three (3) meters from a public walkway, roadway, or other public place, the owner or occupier of the building must keep the roof clear of snow and ice, or through other means such as the erection of physical barriers to prevent snow from falling or sliding from the roof.
- 7.2 A Person clearing a roof of snow and ice shall take due care and attention to warn and/or to otherwise avoid endangering vehicles and pedestrians below.

### 8. Emission of Smoke and Dust

- 8.1 No Person shall cause or allow an activity on his/her property which results in the escape of an unreasonable amount of dust, noxious odors or other airborne particulate matter from that property or an adjacent boulevard or sidewalk such that it negatively affects the comfort, enjoyment, or safety of passersby.
- 8.2 Notwithstanding 8.1, no Person shall cause or allow an activity on his/her property, for an unreasonable amount of time, which results in the emission of opaque or dense smoke from any point including the opening into the atmosphere of a flue, stack, or chimney on the structure from which the smoke originates.

### 9. Outdoor Refrigerators and Freezers

- 9.1 No person shall place, or cause or permit to be placed, a refrigerator, freezer, or other similar appliance on his/her property unless effective measures have been taken to prevent the opening and closing of the appliance thereby preventing entry. Such measures may include:
- a) The removal of the door;
  - b) The removal of the door handle, if this prevents opening and closing of the appliance;
  - c) The removal of door hinges;
  - d) Locking the appliance shut; or
  - e) Wrapping or containing the appliance so that the interior is inaccessible.

### 10. Repair of Motor Vehicles

- 10.1 No person shall conduct any repair work on motor vehicles, including mechanical repairs, auto body work, frame repair, collision repair, painting, modification, or rebuilding, in a residential zone unless they obtain a valid Town-issued business license to do so.

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10.2 Section 10.1 shall not apply to routine maintenance work done on any vehicles registered in the name of a resident of the property on which the work is being performed, provided that:

- a) The activity does not *produce a noise*;
- b) The activity does not *endanger the public*;
- c) There is no escape of offensive, annoying, or noxious *odors, fumes, or smoke*;
- d) *Vehicle fluids, oil, gasoline products, and other hazardous materials* are properly stored and disposed of;
- e) *All discarded vehicle parts and materials* are properly disposed of; and/or
- f) No *power washing* of motor or power train is performed.

## 11. Excavations, Holes, and Ditches

11.1 No Person shall fail to fence or secure an excavation, drain, ditch or other depression on his/her property such that it becomes a danger or potential danger to the public.

11.2 Whether an excavation, drain, ditch, or depression constitutes a danger or potential danger to the public shall be evaluated based on:

- a) Proximity to roads, sidewalks, boulevards, and other public places;
- b) Visibility to the public;
- c) Accessibility to the public;
- d) Depth, length, grade, and other physical characteristics; and/or
- e) Any other considerations relevant to the circumstance.

## 12. Noxious Weeds

12.1 Pursuant to the *Alberta Weed Control Act, 2017*, and amendments thereto, the Owner or Occupier of property shall:

- a) destroy prohibited noxious weeds; and
- b) control noxious and nuisance weeds

on that property, or on any boulevard which abuts or flanks the property, including up to the centre of the lanes or alleys at the rear or side of the property.

## Part 3—Unsightly Conditions

### 13. Land

13.1 No Person shall create or allow the existence of an unsightly condition on a parcel of land which s/he Owns or Occupies.

**TOWN OF EDSON BYLAW NO. 2218****14. Grass-cutting—Lawns and Boulevards**

- 14.1 *All vegetation* on a property and any adjoining boulevard and alley ways, including grass, shrubs, hedges, and any other plant life, *shall be regularly maintained* by the Owner or Occupier of the property such that it does not create an unsightly condition.
- 14.2 Vegetation which is *aesthetically suited to unconstrained growth* does not need to be maintained, though its growth must not produce an unsightly condition.
- 14.3 *Lawns and Boulevards* on or adjacent to a property shall be maintained by the Owner or Occupier of the property at a length of no more than fifteen (15) centimeters.

**15. Growth of Trees & Shrubs—Lawns and Boulevards**

- 15.1 All trees and shrubs on a property and the adjoining boulevard and alley ways shall be regularly maintained by the Owner or Occupier of the property such that they do not create an unsightly condition or interfere with or endanger visibility to street signage or sidewalk and roadway clearance.
- 15.2 The Owner or Occupier of the property shall ensure that trees and shrubs growing on his/her property and the adjoining boulevard and alley ways shall be trimmed so that no branches project over a sidewalk at an elevation of less than 229 cm (7.5 ft.) or over a roadway or alley at an elevation of less than 412 cm (13.5 ft.)

**16. Accumulation of Waste and other Materials**

- 16.1 All outdoor garbage shall be contained in a bin or receptacle suited to this purpose, the lid of which shall be kept securely fastened at all times except where its removal is necessary for the purposes of depositing waste in the receptacle. The contents of the receptacle must be hidden from public view.
- 16.2 No Person shall allow the existence or accumulation of any materials on his/her property which create, or could create, an unsightly condition or nuisance, including but not limited to:
- a) Loose garbage *or waste* of any kind;
  - b) Materials which emit *foul or noxious odors*;
  - c) Materials which *attract rodents, pests, or other animals*, including organic waste or compost which is stored in a manner attractive to pests;
  - d) *Tires, automotive parts, scrap metal, scrap lumber, machinery, or derelict vehicles*;
  - e) Discarded or dilapidated *furniture or household appliances*;
  - f) *Animal wastes*, including carcasses (or parts thereof) and fecal matter; and/or
  - g) *Food scraps*.

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### 17. Construction Materials and Waste

- 17.1 No Person shall store or allow the storage of construction materials or equipment on his/her property, except where the materials or equipment are essential for:
- a) A construction project which is underway on that property; or
  - b) Routine maintenance of the property.
- 17.2 Any construction materials or equipment which are kept on a property shall be neatly stacked and sufficiently secured so as to ensure that they do not blow away or for any other reason escape the property.
- 17.3 Each construction site shall have a waste container or containers of sufficient size to accommodate all waste which is stored on that site.
- 17.4 Construction waste shall be stored in the container or containers intended for this purpose, or, where it will not create an unsightly condition, stacked neatly. No waste shall be stored in a manner which allows it to blow around or beyond, or for any other reason escape, the construction site.

### 18. Structures

- 18.1 No person shall create or allow the existence of an unsightly condition on a structure which s/he owns or occupies.  
The unsightly condition may result from a number of factors, including but not limited to:
- a) Damage or disfigurement;
  - b) Discoloration;
  - c) Absence of integral components of the structure, such as windows or doors;
  - d) Physical degeneration, rotting, or mould;
  - e) Missing shingles, siding, stairs, or other finishing features;
  - f) Incomplete/partially-constructed works;
  - g) Indications of structural weakness (i.e. caved in walls or roof);
  - h) Graffiti or vandalism; and/or
  - i) Conditions which are detrimental to the surrounding area.

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### 19. Unoccupied/Abandoned Buildings

- 19.1 If a building normally intended for human habitation is unoccupied, any door or window opening in the building may be covered with a solid piece of wood, provided that the wood is:
- a) Installed from the exterior and fitted within the frame of the opening in a watertight manner;
  - b) Of a thickness sufficient to prevent unauthorized entry into the building;
  - c) Secured in a manner sufficient to prevent unauthorized entry into the building;
  - d) Coated with an opaque protective finish; and
  - e) Not esthetically detrimental to the surrounding area.
- 19.2 The Owner of an unoccupied building or parcel of land is, by means of regular maintenance, including of vegetation and sidewalks, required to prevent that property from giving rise to a nuisance or unsightly condition.

## Part 4—Noise

### 20. General Prohibition

- 20.1 No Person shall cause or permit any noise that annoys or disturbs the peace of any reasonable person.
- 20.2 A sound is prohibited under this Bylaw shall be determined by factors such as:
- a) *Type, volume, and duration* of the sound;
  - b) *Time of day and day of week* on which the sound occurs;
  - c) Nature and use of the *surrounding area*; and/or
  - d) Any other relevant factors.

### 21. Construction Noise

- 21.1 No Person shall allow construction work on his property during Nighttime Hours in such a manner that the noise produced can be heard from a residence.

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### 22. Noise from Activities in Residential Areas

22.1 No Person shall operate or use:

- a) a hand lawn mower;
- b) a motorized garden tool;
- c) a Power Tool outside of any building or Structure;
- d) a snow clearing device powered by an engine of any kind;
- e) a motorized snow or leaf blowing device; or
- f) any other appliance causing noise.

in a Residential Area during the Nighttime.

### 23. Exemptions

23.1 Part 4 shall not apply to:

- a) *Work performed by the Town* or any of its agents, contractors, officers, or employees on the Town's behalf;
- b) *Emergency situations*, including the activities of fire, ambulance, police, or utility providers when responding to an emergency;
- c) *Activities that are expressly permitted* by the Town Land Use Bylaw, a development or other permit issued by the Town, or a Development Authority, where the production of an otherwise-prohibited noise is essential to that activity;
- d) *Snow removal on commercial, industrial, or school sites* which are not adjacent to a residential zone;
- e) *Snow removal on commercial, industrial, or school sites* which are adjacent to a residential zone and does not exceed what is necessary for the task.

Provided that the noise produced is directly related and essential to, and does not exceed what is reasonably necessary for the activity or task.

## Part 5—Enforcement and Penalties

### 24. Education and Warning

- 24.1 Where appropriate, a Peace Officer shall take reasonable measures to inform an Offender of his/her obligations under this Bylaw so that voluntary remediation and self-policing can occur.
- 24.2 Education measures may include conversations with the Offender or a written notice(s) left at the Offender's last known address which cite this Bylaw and any of the Offender's obligations under it.

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### 25. Inspections

- 25.1 If necessary, a Peace Officer may, after giving reasonable notice to an Offender, enter upon the Offender's property for the purpose of carrying out an inspection to determine the existence, nature, and scale of an infraction of this Bylaw.
- 25.2 No Person shall refuse to allow or in any way impede the carrying out of an inspection pursuant to this Bylaw. A Peace Officer may use reasonable force to ensure that s/he can complete an inspection.

### 26. Offence

- 26.1 A Person who contravenes this Bylaw is guilty of an offence.

### 27. Continuing Offence

- 27.1 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it 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 day.

### 28. Fines and Penalties

- 28.1 A Person who is guilty of an offence is liable to a fine in an amount not less than that established in this section, and not exceeding \$10,000.00, and to imprisonment for not more than 1 year for non-payment of a fine.
- 28.2 Without restricting the generality of Section 33.1 fine amounts are established for use on Municipal Tags and Violation Tickets if a voluntary payment option is offered as per Schedule A.

### 29. Municipal Tag

- 29.1 A Peace Officer is hereby authorized and empowered to issue a Municipal Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 29.2 A Municipal Tag may be issued to such Person:
- a) Either Personally; or
  - b) By mailing a copy to such Person at his or her last known address.



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29.3 The Municipal Tag shall be in a form approved by the CAO and shall state:

- a) The name of the Person;
- b) The offence;
- c) The specified penalty established by this Bylaw for the offence;
- d) That the penalty shall be paid within 30 days of the issuance of the Municipal Tag; and
- f) Any other information as may be required by the CAO.

### 30. Payment in Lieu of Prosecution

30.1 Where a Municipal Tag is issued pursuant to this Bylaw, the Person to whom the Municipal Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified within the time period indicated on the Municipal Tag.

### 31. Violation Ticket

31.1 If a Municipal Tag has been issued and if the specified penalty has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.

31.2 Notwithstanding Section 36.1, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.

31.3 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.

### 32. Voluntary Payment

32.1 A Person who commits an offence may:

- a) if a Violation Ticket is issued in respect of the offence; and
- b) if the Violation Ticket specifies the fine amount established by this Bylaw for the offence;

make a voluntary payment by submitting to a Clerk of the Provincial Court, on or before the initial appearance date indicated on the Violation Ticket, the specified penalty set out on the Violation Ticket.

**TOWN OF EDSON BYLAW NO. 2218****33. Order To Comply**

- 33.1 If a Peace Officer believes, on reasonable grounds, that a Person is contravening any provision of this Bylaw, the Peace Officer may, by written order, require any Person responsible for the contravention to remedy it.
- 33.2 The Order may:
- a) direct a Person to stop doing something, or to change the way in which the Person is doing it;
  - b) direct a Person to take any action or measures necessary to remedy the contravention of the Bylaw and, if necessary, to prevent a re-occurrence of the contravention;
  - c) state a time within which the Person must comply with the directions;
  - d) state that if the Person does not comply with the directions within a specified time, the Town will take the action or measure.
- 33.3 A Person named in and served with an order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- 33.4 An Order issued pursuant to this section may be served:
- a) in the case of an individual:
    - (i) by delivering it personally to the individual;
    - (ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age; or
    - (iii) by mail addressed to the individual at their apparent place of residence or at any address for the individual on the tax roll of the Town or at the Land Titles registry;
  - b) in the case of a corporation:
    - (i) by delivering it personally to any director or officer of the corporation;
    - (ii) by delivering it personally to a Person apparently in charge of an office of the corporation at an address held out by the corporation to be its address; or
    - (iii) by mail addressed to the registered office of the corporation.
- 33.5 If, in the opinion of a Peace Officer, service of the Order cannot be reasonably affected, or the Owner of the Premises is evading service, the Officer may post the Order in a conspicuous place on the property to which the Order relates, or on the private dwelling place of the Owner of the property, as registered at the Land Titles Office or on the municipal tax roll, and the Order shall be deemed to be served upon the expiry of three (3) days after it is posted.

**TOWN OF EDSON BYLAW NO. 2218**

- 33.6 A Person named in and served with an Order issued pursuant to this section shall comply with any action or measure required to be taken within the time specified.
- 33.7 The Town may, in respect of an Order, register a caveat under the *Land Titles Act* against the certificate of title for the land that is the subject of the Order, until such time as the contravention has been remedied by the offender, the Town, or a third party.

**34. Remediating of Contraventions**

- 34.1 If the Offender has not met the requirements of an Order to Comply by the date specified, the Town may take any measures necessary to remedy the contravention, including but not limited to the undertaking of any work required to restore, modify, demolish, remove, build, and/or sell a structure to bring it into conformance with this Bylaw, provided that:
- a) A time limit for compliance was specified on the Order to Comply;
  - b) The Order to Comply indicated that the Town would remedy the contravention at the offender's expense in the event of the offender's non-compliance with the Order; and
  - c) The appeal periods respecting the Order to Comply have passed or, if an appeal has been made, the appeal has been decided and it allows the Town to take the action or measures.
- 34.2 Where the remediating of a contravention requires the demolition of a structure, a Peace Officer may use reasonable force to remove individuals from the structure.
- 34.3 The appeal periods referred to in this Bylaw shall be in accordance with the *Municipal Government Act* as set out below:
- a) Where the contravention has created a dangerous or unsightly condition,
    - (i) 7 days after the offender receives the Order to Comply, if the Offender has not applied for a review of the Order by Council; and/or
    - (ii) 14 days after the decision resulting from a review by Council has been served on the Offender.
  - b) Where the contravention does not relate to a dangerous or unsightly condition
    - (i) 14 days after the Offender receives the Order to Comply, if the Offender has not applied for a review of the Order by Council; and/or
    - (ii) 30 days after the decision resulting from a review by Council has been served on the Offender.

**TOWN OF EDSON BYLAW NO. 2218**

**35. Recovery of Costs for Work Undertaken by the Town**

35.1 The expenses and costs of an action or measure taken by the Town pursuant to this bylaw are an amount owing to the Town by the Offender. The Town may recover these expenses and costs by means of:

- a) Civil action for debt in a court of competent jurisdiction; or
- b) Adding the amount owing to the tax roll of the parcel of land which was the subject of the Order to Comply.

35.2 Where the remedying of a contravention requires the *sale of all or part of a structure* that has been removed after 30 days, the proceeds of the sale must be used to pay the expenses and costs of the sale and removal, and any excess proceeds must be paid to the person entitled to them.

**36. Obstruction**

36.1 A Person shall not obstruct or hinder any Person in the exercise or performance of the Person’s powers pursuant to this Bylaw.

**Part 6—Enactment**

37.1 The following Bylaws are hereby repealed:

- a) Bylaw No. 1614, the Noise Bylaw, and amendments thereto 1634,1856, 1889 and 1986;
- b) Bylaw No. 1796, the Nuisance Bylaw, and amendments there to 1985;

This Bylaw shall come into full force and effect upon third reading.

**READ** a first time this \_\_\_\_ day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**TOWN OF EDSON BYLAW NO. 2218**

**READ** a second time this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

**READ** a third time and finally passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

DRAFT

**TOWN OF EDSON BYLAW NO. 2218**

**TOWN OF EDSON  
BYLAW NO.  
FINES AND PENALTIES  
SCHEDULE A**

Section 28.2

- a) \$150.00 for any offence for which a fine is not otherwise established in this section;
- b) \$300.00 for second and subsequent offences.

DRAFT