

COMMUNITY STANDARDS BYLAW NO. PI 2/18



A BYLAW OF THE TOWN OF GIBBONS A MUNICIPAL CORPORATION IN THE PROVINCE OF ALBERTA

WHEREAS, pursuant to Section 7 of the Municipal Government Act, R.S.A., 2000, a municipal Council may pass bylaws, for municipal purposes respecting the following matters:

- a) the safety, health and welfare of people and protection of property
- b) nuisances including unsightly properties

WHEREAS, the Municipal Government Act, R.S.A. empowers a municipal Council to impose a fine for infractions of a bylaw;

NOW THEREFORE, the Municipal Council of the Town of Gibbons, in the Province of Alberta, duly assembled in a regular meeting, hereby enacts as follows:

BYLAW TITLE - This Bylaw shall be referred to as "Community Standards Bylaw."

PART I – PURPOSE, DEFINITIONS & INTERPRETATION

1 - PURPOSE

The purpose of this bylaw is to regulate the conduct and activities of people on privately owned properties and immediately adjacent areas in order to promote the safe, enjoyable and reasonable use of such properties for the benefit of all citizens of the Town.

2 – DEFINITIONS

Boulevard	has the same meaning as in the Traffic Safety Act
Council	the Municipal Council of the Town of Gibbons
Enforcement Officer	means a Peace Officer, Bylaw Enforcement officer, RCMP, or any other person authorized by the Council of the Town of Gibbons to enforce the provisions of this bylaw
Fire Chief	means the head of the Gibbons Fire Services or designate
Fire Pit	includes a permanent affixed outdoor fire receptacle
Outdoor Fire Place	means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry.
Highway	has the same meaning as in the Traffic Safety Act

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Motor vehicle	has the same meaning as in the Traffic Safety Act
Municipal Manager	means the Chief Administrative Officer or designate of the Town of Gibbons
Municipal Tag	means a ticket alleging an offence issued pursuant to the authority of a bylaw of the Town of Gibbons
Occupy/occupies /occupant	means residing on or to be in apparent possession or control of property
Owner	means: in respect of land the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land; in respect of property other than land, the person in lawful possession of it
Person	means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative
Portable Fire Receptacle	means an outdoor fire receptacle which is not permanently affixed
Property	means a parcel of land including any and all improvements
Sidewalk	has the same meaning as in the Traffic Safety Act
Town	the Municipal Corporation of Gibbons
Violation ticket	has the same meaning as in the Provincial Offence Procedures Act

3 - INTERPRETATION

- a) The owner of any real property, as registered on title at the Land Titles Office is ultimately responsible for all activities on the property which may constitute an infraction of this bylaw
- b) Nothing in this bylaw relieves a person from complying with any Federal or Provincial law or regulation.
- c) Every provision of this bylaw is independent of all other provisions and if any provision of this bylaw is found to be invalid for any reason by a Court of Law, all other provisions of this bylaw shall remain valid and enforceable.
- d) Marginal notes and headings in this bylaw are for reference purposes only.

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1 - LAND & BUILDINGS

- a) In this part, “building” includes anything constructed or placed on, in, 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 land.
- b) For the purposes of this part, a person who owns or occupies land shall be considered to occupy that portion of highway between the property line and the center line of the highway.
- c) A person shall not cause or permit a nuisance or unsightly condition to exist on land they own or occupy.
- d) A nuisance or unsightly condition in respect of the land means land that shows signs of a serious disregard for general maintenance and upkeep, whether or not it is detrimental to the surrounding area, including but not limited to:
 - i. excessive accumulation of material including building materials, appliances, household goods, boxes, tires, vehicle parts, whether of apparent value or not, etc.;
 - ii. loose litter, garbage or refuse, whether located in a storage area, collection area or elsewhere on the land;
 - iii. damaged, immobile, dismantled or derelict vehicles whether insured or registered or not;
 - iv. smelly or messy compost heaps;
 - v. unkempt grass or weeds on property;
 - vi. production of dust, dirt or smoke;
 - vii. production of any generally offensive odour; and
 - viii. any tree shrub or other type of vegetation or any structure;
 - that interferes or could interfere with any public work or utility;
 - that obstructs any sidewalk adjacent to the land
 - that impairs visibility required for safe traffic flow at any intersection adjacent to the land.

2 - UNOCCUPIED BUILDINGS

- a) If a building normally intended for human habitation is unoccupied, the owner must ensure that all doors or window openings in the building are secured in a manner sufficient to prevent unauthorized entry into the building while at the same time not detracting from the appearance of the building.
- b) If a building is unoccupied for any length of time, the owner shall ensure that arrangements are made for maintaining the property including but not limited to:
 - i. cutting the grass, removing the weeds and litter;
 - ii. maintaining any fence, retaining wall, or other improvements in good repair; and

- iii. clearing snow, ice or any obstruction from any sidewalk adjacent to the said property.

3 - WATER, EAVES TROUGHS, DOWNSPOUTS

- a) No owner or occupant of a property shall allow a flow of water from a hose or similar device on the property to be directed towards an adjacent property if it is likely that the water from the hose or similar device will enter the adjacent property
- b) An owner or occupant of a property shall direct any rainwater, downspout or eaves trough on the property towards:
 - i. front of the property;
 - ii. the rear of the property;
 - iv. a side yard which does not abut another property; or
 - v. a side yard which abuts another property only if there is a minimum of 6.0 metres of permeable ground between the outfall of the downspout or eaves trough and the adjacent property.

4 - SNOW, ICE, DEBRIS & OBSTRUCTIONS

- a) The owner or occupant of any private property adjacent to a sidewalk shall be deemed responsible for the removal of ice, snow or debris from that portion of the sidewalk within seventy-two (72) hours after the ice, snow or debris has been deposited.
- b) No person, unless prior written permission from the Town has been obtained, shall remove snow, ice, dirt, debris or other materials from any sidewalk or other property and place such items
 - i. onto any portion of a highway;
 - ii. onto any other public place adjacent to such property;
 - iii. onto any private property other than their own; or
 - iv. in a pile or format that may cause an obstruction or may endanger the safety of the public.
- c) Every occupant or owner of every building abutting on or within 3.0 metres of any highway or public place, shall remove snow or ice that has accumulated on the roof, eaves or awnings to the extent that a danger or risk is created to persons passing or the property of others. The corrective action shall be undertaken immediately with due care for the warning and safety of persons passing or the property of others.
- d) Remove or sand any ice, to the extent that walking is safe, that has formed or is deposited on sidewalks situated on land adjacent to that property as soon as practicable after the ice is formed or deposited on the sidewalk.

- e) If water drips from a building or awning upon a sidewalk and or highway, the owner or occupier of the premises shall clean the sidewalk or roadway portion thereof to prevent ice from forming thereon.
- f) No person shall place any goods, wares, merchandise or any other article upon a sidewalk or highway outside any shop, warehouse or building so as to obstruct pedestrian or vehicular traffic unless prior written permission from the Town has been obtained.
- g) Any sign, notice or other object placed on or beside a highway or other public lands without prior written permission from the Town, shall be removed without notice or warning to the owner.
- h) No person shall damage any sidewalk or pavement in the Town by striking, picking, cutting the same, or utilize any type of chemical causing a deterioration to the sidewalk surface, whether such person is engaged in removing snow, ice, dirt or other obstruction from the said sidewalk or pavement or not.
- i) The Town of Gibbons will clear snow from the following locations according to priorities based on financial, personnel restrictions, availability of equipment and in conjunction with written established policies and procedures as approved and changed by Council from time to time:
 - i. walkway / trail systems within park and/or reserve areas;
 - ii. sections of sidewalk adjacent to Town owned properties;
 - iii. pathways; and
 - iv. roadways and/or back lanes that serve as a connection between sections of sidewalk.

PART III – OUTDOOR FIRES

1 - FIRE PERMIT

- a) No person shall permit a fire within the Town unless a permit has been obtained for burnable debris purposes from the Fire Chief.
- b) A permit shall not be required for the following:
 - i. the cooking of food using a portable appliance;
 - ii. portable fire receptacles;
 - iii. burning in outdoor fireplaces in or attached to a dwelling as provided by legislation;
 - iv. burning in Town owned campgrounds and parks where outdoor fireplaces, stoves or fire pits are provided by and approved by the Town; and
 - v. acceptable fire pits

2 - FIRE HAZARD

- a) In this part a fire hazard, means a possible source of danger or risk of injury or harm by fire to a person or property.
- b) Where the Fire Chief determines a fire hazard to exist, he may order the owner or occupant to reduce or remove the hazard, within a fixed time and holds the right to immediately extinguish the fire and/or take any other steps deemed necessary.
- c) Notwithstanding any other provisions of this bylaw, the Fire Chief may issue an order that prohibits a Person from building, or igniting a fire in any Fire Pit, Portable Fire Receptacle or Outdoor Fire Place on the Premise.
- d) Where an owner or occupant fails to comply with an order, the owner shall be liable for all expenses and costs should the Town undertake the required work and in default of payment, the amount owed shall be a lien against the land and shall be collected in like manner as property taxes.
- e) Restrictions applied to all fires allowed pursuant to this bylaw. No person shall burn, at any time, on any premises, the following materials:
 - i. Treated or painted lumber;
 - ii. Lumber products containing glue or resin;
 - iii. Wet or unseasoned wood;
 - iv. Leaves, brush or yard waste;
 - v. Garbage, rubber tires or plastic;
 - vi. Any animal carcass or part thereof

3 - GENERAL FIRE STANDARDS

- a) Every person who builds, ignites or allows a fire in an approved fire receptacle must ensure that:
 - i. The home owner, or lease holder is present at all times;
 - ii. a means of extinguishing the fire is kept on hand at all times while the fire is burning;
 - iii. the flames from the fire do not exceed 1.0 metre in height at any time;
 - iv. the fire is not left unsupervised at any time; and
 - v. the fire is extinguished completely, leaving only cold ashes, prior to leaving the fire.

4 - FIRE PIT STANDARDS

- b) Fire pits shall not be constructed in any required minimum front yard or side yard as outlined in the Land Use Bylaw No. PLU 8/06.
- c) In this part a fire pit means an outdoor receptacle used for a recreational fire fuelled by preservative free wood and meets the following specifications:

- i. is located at least 3.0 metres from any building, property line or combustible material;
- ii. the opening does not exceed 1.0 metre in width or in diameter;
- iii. the installation has enclosed sides made from a non-combustible material;
- iv. it has a spark arrester mesh screen cover with an opening no larger than 1.25 cm;
- v. is set upon or built into the bare ground or a non-combustible material such as brick or stone.
- vi. the fire pit is not located over any underground utilities or under any aboveground wires.

5 – OUTDOOR FIRE PLACE STANDARDS

- a) In this part an outdoor fire place means an outdoor receptacle used for a recreational fire fuelled by preservative free wood and meets the following specifications:
 - i. is located a minimum of 1.0 metre clearance for buildings, property lines or combustible material;
 - ii. constructed of non-combustible material;
 - iii. is equipped with a chimney that is not less than 2.5 metres in height from the base of the fire burning area and is equipped with a regulation screen;
 - iv. the base of the fire burning area is not less than 30 centimetres above the surrounding grade; and
 - v. the fire chamber does not exceed 1.25 metres in width and is between 40 centimetres and 60 centimetres deep.

6 – PORTABLE FIRE RECEPTACLE

- a) In this part a portable fire receptacle means an outdoor non-permanent fire receptacle used for a recreational fire and meets the following specifications:
 - i. Is located at least 3.0 metres from any building, property line or combustible material;
 - ii. A person may build, ignite or allow a fire in a portable fire receptacle on a wooden deck as long as they ensure that:
 - iii. is located at least 3.0 metres from any building, property line or combustible material;
 - iv. A person may build, ignite or allow a fire in a portable fire receptacle on a wooden deck as long as they ensure that:

- a. A non-combustible material such as brick or stone is placed between the portable fire receptacle and the wooden deck; and
- b. The portable fire receptacle is situated at least 3m from any house, garage, similar structure or combustible material (excluding the wooden deck).

7 - FIRE WORKS

- b) The discharging of fireworks or incendiary devices of any kind within Gibbons Municipal Boundaries are only permitted upon receiving prior written permission from the Fire Chief, Municipal Manager or Town Council.

8 - FIRE BAN

- a) Notwithstanding any provision of this or any other Bylaw, the Fire Chief may declare a complete ban on burning of any kind within the Town limits.
- b) When determining whether to declare a complete ban on burning, the Fire Chief may take into consideration any or all of the following factors:
 - i. the air quality index
 - ii. levels of recent precipitation
 - iii. water shortages or restrictions
 - iv. availability of fire fighters and firefighting equipment
 - v. the overall fire danger in the area
- c) No person shall build, ignite or allow any kind of fire when a complete ban on burning has been declared by the Fire Chief.
- d) A person who fails to comply with the ban is guilty of an offence and subject to a penalty.
- e) Issued fire permits are void in times of fire ban.

PART IV – MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS

- a) Unless otherwise lawfully authorized, no person within Town limits, shall convey a firearm, pellet gun, B.B. gun, air gun, paintball gun or gas operated gun in which a round of ammunition is in the gun or in a magazine that is attached to the gun.
- b) No person shall discharge a firearm, pellet gun, B.B. gun, paint ball gun or gas-powered gun within the Town.
 - i. notwithstanding (a), the Municipal Manager or a Peace Officer may authorize the discharge of a firearm or gun for animal control purposes,

special events or within range facilities of a gun club or similar organizations.

- c) No person shall shoot an arrow from a bow of any nature, or discharge a sling shot or device of any kind which will propel a projectile, over, across, or along any portion of a highway, public place or upon any land owned by the Town unless authorized by the Town.
- d) A person who rents, owns, or leases a building shall be deemed responsible for any object or good disposed of or from the premises onto any portion of a highway.
- e) A vehicle found to be leaking engine or transmission fluid or any environmentally harmful fluids of any type shall be deemed to constitute a danger to public safety and may be towed away and the fluids removed from the street at the expense of the registered owner of the vehicle.
- f) No person shall dispose of anything into a sewer, manhole, or catch basin excepting those persons authorized by issuance of a permit by the Municipal Manager and at those sites so designated.
- g) No person shall tamper with or remove a manhole cover or valve cover from its seat-base without authorization by the Municipal Manager.

PART V – ENFORCEMENT

1 - OFFENCE

- a) A person who contravenes this bylaw is guilty of an offence.
- b) In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence for 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.

2 - FINES AND PENALTIES

- a) 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 six months for non-payment of a fine
- b) Without restricting the generality of subsection (a) the fine amounts stated in Appendix “B” are established for use on all municipal tags and violation tickets if a voluntary payment option is offered or unless otherwise specifically outlined.
- c) A person who commits an offence may, if a violation tag is issued in respect of the offence, pay the fine amount established by this bylaw for the offence and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- d) The imposition of a fine shall not relieve the person so sentenced from any liability to pay the Town the expense arising from any damage incurred by him to a town street or sidewalk.
- e) If a Municipal ticket is issued in respect of an offence, the Municipal ticket may:

- i. specify the fine amount established by this bylaw for the offence; or
 - ii. require a person to appear in court without the alternative of making a voluntary payment.
- f) Under no circumstances shall any person contravening any provisions of this Bylaw be subject to the penalty of imprisonment.
- g) Nothing in this Bylaw shall be construed as curtailing or abridging the right of the Municipality to obtain compensation or to maintain an action for loss of or damage to property from or against the person or persons responsible.
- h) A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who, the Peace Officer has reasonable and probable grounds to believe, either neglects or fails to do something required by this Bylaw or does something prohibited by this Bylaw. A Violation Tag shall be sufficiently served if:
 - i. served personally to the owner or occupier of the lot or parcel; or
 - ii. sent by mail to such person at his or her last known post office address; or
 - iii. left with any adult at the place of residence of the said owner or occupier of the lot or parcel; or
 - iv. hung on the entry door of a residence or on a conspicuous location on the lot or parcel.
- i) The Violation Tag shall be in a form approved by the Municipality and shall state
 - i. the name of the person;
 - ii. the offence;
 - iii. the appropriate penalty for the offence as specified in Schedule "A" of this Bylaw;
 - iv. that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;
 - v. that the Town of Gibbons may rectify the problem caused by the violation at a time beginning 48 hours after the Violation Tag has been served. If the serving was done by mail, at a time beginning five (5) business days after the Violation Tag has been served; and
 - vi. any other information as may be required by the Municipality.
- j) Where a contravention of this Bylaw is of a continuing nature, a Peace Officer may issue further Violation Tags, provided that no more than one Violation Tag shall be issued for each week that the contravention continues.
- k) Where a Violation Tag is issued pursuant to this Bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offense, pay to, the Municipality, the penalty specified in the Violation Tag.

- l) Nothing in this Bylaw shall prevent a Peace Officer from immediately issuing a Violation Ticket for the mandatory court appearance of any person who contravenes any provision of this Bylaw.
- m) If the penalty specified in a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the Provincial Offences Procedure Act.

3 - ORDER TO COMPLY

- a) If the Municipal Manager believes, on reasonable grounds, that a person is contravening any provision of this bylaw, the Municipal Manager may, by written order, require any person responsible for the contravention to remedy it.
- b) The order may:
 - i. direct a person to stop doing something, or to change the way in which the person is doing it;
 - ii. 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;
 - iii. state a time within which the person must comply with the directions;
 - iv. state that if the person does not comply with the directions within a specified time, the Town will take the necessary actions or measures required to remedy the contravention(s) and apply all associated costs to the tax roll of the property as a debt owing to the municipality.
- c) 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.
- d) An order issued pursuant to this section may be served:
 - i. in the case of an individual
 - by delivering it personally to the individual
 - 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
 - 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; and
 - ii. in the case of a corporation:
 - by delivering personally to any director or officer of the corporation
 - 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



- by mail addressed to the registered office of the corporation.

4 - OBSTRUCTION

- a) A person shall not obstruct or hinder any person, staff member or contracted service provider in the exercise or performance of the Town's powers pursuant to this bylaw.

PART VI - GENERAL

1 - POWERS OF THE MUNICIPAL MANAGER

- a) Without restricting any other power, duty or function granted by this bylaw, the Municipal Manager may:
 - i. carry out any inspections to determine compliance with this bylaw;
 - ii. take any steps or carry out any actions required to enforce this bylaw;
 - iii. take any steps or carry out any actions required to remedy a contravention of this bylaw;
 - iv. establish investigation and enforcement procedures with respect to residential, commercial, industrial or other types of property and such procedures may differ depending on the type of property in question;
 - v. establish areas where activities restricted by this bylaw are permitted;
 - vi. establish the criteria to be met for a permit; and
 - vii. delegate any powers, duties or functions under this bylaw to a designated officer of the town.

2 - APPEAL PROCEDURE

- a) The Owner or person who receives an Order pursuant to this Bylaw may request Council to review that Order by written notice.
 - i. the written request for a review of an Order issued must be received by the Town Administration within 14 days of the receipt of the Order;
 - ii. the owner or person who receives an Order may appear before Council in person or by a representative; and
 - iii. after reviewing the Order, the Council may confirm, vary, substitute or cancel the Order.


3 - ADMINISTRATION

- a) Wherever the singular or masculine is used throughout this Bylaw, the same shall be construed as meaning the plural or feminine respectively.

- b) It is the intention of Town Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Town Council that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.
- c) Where the provisions of this Bylaw conflict with any other Bylaw enacted by The Town of Gibbons, the provisions of this Bylaw shall apply.
- d) Bylaw No. (s) PI 1/13 is hereby rescinded.

Read a first time this 14th day of February, A.D., 2018.

TOWN OF GIBBONS




Deputy Mayor, Amber Harris



Town Manager, Farrell O'Malley

Read a second time this 14th day of February, A.D., 2018.

TOWN OF GIBBONS




Deputy Mayor, Amber Harris



Town Manager, Farrell O'Malley

Read a third time this 14th day of February, A.D., 2018.
and passed.

TOWN OF GIBBONS



Deputy Mayor, Amber Harris



Town Manager, Farrell O'Malley

Appendix "A"

THE TOWN OF
GIBBONS



VIOLATION TAG

4807 - 50 AVENUE
GIBBONS, ALBERTA T0A 1N0

THIS TAG ISSUED
FOR BREACH OF SECTION _____

TOWN BYLAW NO. _____

PENALTY

	\$		\$	
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LIC. YEAR	MO.	LICENSE NO.	PROVINCE
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DATE TAGGED	TIME HOURS	COLOR	MAKE
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YR. | MO. | DAY _____
OFFENCE _____

LOCATION _____

NAME/OWNER: _____

ADDRESS: _____

TO AVOID PROSECUTION PAY FINE BEFORE _____

ISSUER: _____

DATE ISSUED: _____

SEE REVERSE SIDE FOR METHOD OF PAYMENT

0226

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Appendix "B"

FINES FOR INFRACTIONS

SECTION	INFRACTION	FINE
Part II	Property Maintenance	
4 - A	Not cleaning sidewalks within the prescribed 72-hour time limit.	\$50.00
4 - B	Placing ice, snow, etc. from private property onto a highway or other private or public property other than their own property.	\$100.00
4 - C	Not clearing a dangerous accumulation of snow.	\$100.00
4 - C	Not keeping awning free of snow and ice.	\$100.00
4 - C & D	Not keeping sidewalk/street free from ice forming from dripping.	\$100.00
4 - H	Damaging sidewalk or pavement.	\$500.00
Part V	Enforcement	
2	i. for the first offence for which a fine is not otherwise established in this Bylaw.	\$250.00
	ii. for the second offence for which a fine is not otherwise established in this Bylaw.	\$500.00
	iii. for the third and subsequent offences for which a fine is not otherwise established in this Bylaw.	\$750.00
2i) - V	Town of Gibbons may rectify the problem caused by the violation	Cost Recovery