

**VILLAGE OF LONGVIEW**

**BYLAW 355-13**

**BEING A BYLAW OF THE VILLAGE OF LONGVIEW IN THE PROVINCE OF ALBERTA FOR THE PURPOSES OF ESTABLISHING COMMUNITY STANDARDS TO REGULATE NEIGHBOURHOOD NUISANCE, SAFETY AND LIVEABILITY ISSUES**

**WHEREAS** pursuant to the *Municipal Government Act*, being Chapter M-26, R.S.A. 2000, and amendments thereto, authorizes a municipality to pass bylaws respecting the safety, health and welfare of people and protection of people and property;

**AND WHEREAS** the *Municipal Government Act* authorizes a municipality to pass bylaws respecting nuisances, including unsightly property;

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

**AND WHEREAS** it is desirable to regulate certain activities within the Village for the health, safety, and welfare of people and property;

**NOW THEREFORE** the Council of the Village of Longview, duly assembled, enacts as follows:

**PART 1. INTERPRETATION**

**TITLE**

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

**DEFINITIONS**

2. In this Bylaw:
  - a. "Automobile Parts" includes, but is not limited to, any vehicle or part or collection of vehicles parts, or one or more vehicles that are dilapidated, derelict or not in operable condition;
  - b. "Building" includes a structure or anything constructed or placed on, in, over or under land but does not include a highway, road, or bridge forming part of a highway or road;
  - c. "Construction" means the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process;
  - d. "Continuous Sound" means any sound that occurs:
    - i. for a continuous duration of more than three (3) minutes; or

## VILLAGE OF LONGVIEW

### BYLAW 355-13

- ii. sporadically for a total of more than three (3) minutes in any continuous fifteen (15) minutes time period;
- e. "Council" means the Council of the Village of Longview;
- f. "Day-time" means the period:
  - i. beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on weekdays;  
or
  - ii. beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on weekends or holidays;
- g. "Highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway, or other place or any part of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes:
  - i. a sidewalk, including a boulevard adjacent to the sidewalk;
  - ii. if a ditch lies adjacent to and parallel with the roadway, the ditch; and,
  - iii. if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fence and the edge of the roadway, as the case may be;but does not include a place declared by regulation not to be a highway;
- h. "Holiday" means any statutory holiday as defined in the *Interpretation Act of Alberta*;
- i. "Motorized Garden Tool" means any tool used for horticulture that is powered by an electric or internal combustion engine of any kind;
- j. "Night-time" means the period beginning at 10:00 P.M. and ending the following day at:
  - i. 7:00 A.M. if the following day is a weekday; or
  - ii. 9:00 A.M. if the following day is a weekend or holiday;
- k. "Noise" means any loud, unnecessary or unusual sound or any sound whatsoever which, in the opinion of an Officer in his sole discretion, having regard for all circumstances, including the time of day, and the nature of the activity generating the sound, is likely to unreasonably annoy, disturb, injure or detract from the comfort, repose, health, peace or safety of any Person within the limits of the Village;

## VILLAGE OF LONGVIEW

### BYLAW 355-13

- l. "Nuisance" means any condition or use of Premises which, in the opinion of an Officer, constitutes an unreasonable interference with the use and enjoyment of other Premises;
- m. "Off-Highway Vehicles" has the same meaning as in the *Traffic Safety Act* as amended or repealed and replaced from time to time;
- n. "Officer" means the Chief Administrative Officer, a Bylaw Enforcement Officer, a Community Peace Officer or a member of the RCMP who is authorized to enforce bylaws or for the purpose of inspection and enforcement under this Bylaw. An Officer is a designated Officer of the Municipality;
- o. "Outdoor Speaker System" means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, public address or other system, which is used for general listening purposes and positioned:
  - i. outside of a building;
  - ii. inside of a building and within two (2) metres of any opening in the building including a window or doorway, where it is directed outside of the building; or
  - iii. in a tent;
- p. "Owner" of a property or premises means:
  - i. a Person who is registered under the *Land Titles Act* as the owner of the land;
  - ii. a Person who is recorded as the assessed person on the tax assessment roll of the Village;
  - iii. 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 had not yet become the registered owner thereof;
  - iv. a Person holding himself out as the person having the powers and authority of ownership of the property or Premises or who for the time being exercises the powers of authority and ownership;
  - v. a Person controlling the property or Premises under construction; or
  - vi. a Person who is the occupant of the property or Premises pursuant to a lease agreement, license or permit;

## VILLAGE OF LONGVIEW

### BYLAW 355-13

- q. "Peace Officer" means any member of the Royal Canadian Mounted Police, a Peace Officer of the Village, a Designated Bylaw Officer, or any other peace officer sworn in by the Province of Alberta;
- r. "Person" includes a corporation, other legal entities and an individual having charge or control of a premises;
- s. "Power Tool" includes any tool powered by an engine, motor or compressed air;
- t. "Premises" includes the external surfaces of all buildings and the whole or part of any parcel of real property, including land immediately adjacent to any building or buildings, situated in whole or in part within the Village and includes any buildings owned or leased by the Village;
- u. "Public Place" means any highway, street, sidewalk, lane, alley, park, school ground, playground, business, facility, or any public owned property within the Village;
- v. "Remedial Order" means an order written pursuant to Section 545 or 546 of the *Municipal Government Act*, as amended or replaced from time to time;
- w. "Residential Development" includes lands in Districts defined as Residential Districts in the Land Use Bylaw;
- x. "Signaling Device" means a horn, gong, bell, klaxon, or other device producing an audible sound for the purpose of drawing a person's attention to an approaching vehicle, including a bicycle;
- y. "Structure" means a building, garage, shed, fence or other improvement erected or placed in, on, over or under land, whether or not it is affixed to the land;
- z. "Ticket" means any ticket which is authorized by the *Municipal Government Act* or under the *Provincial Offences Procedures Act*, and any amendments thereto, issued for any bylaw offence in which a penalty must be paid out of court in lieu of appearing to answer to a summons;
- aa. "Truck" means any vehicle that has a gross allowable maximum weight in excess of 5450 kilograms as listed on the official registration certificate issued by the Government of the Province of Alberta, or on any other official registration document issued by any other government body, regardless of the vehicles actual weight at a specific time, and includes a truck-tractor and tractor-trailer, but does not include a Concrete Mixer or Garbage Truck;
- bb. "Unsightly Premises" means any Premises whether land, buildings, improvements to land or buildings, personal property or any combination of the above, located on the

## VILLAGE OF LONGVIEW

### BYLAW 355-13

lands within the Village, in the opinion of an Officer, is unsightly to such a degree as to detrimentally affect the repose, amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the Unsightly Premises, or as otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Municipal Government Act*;

- cc. "Vacant Lot" means any lot on which no place of residence is located, this does not include those lots where the residence of the property owner is located on an adjacent lot;
- dd. "Vehicle" has the same meaning as in the *Traffic Safety Act*;
- ee. "Village" means the Village of Longview, a municipal corporation in the Province of Alberta and where the context so requires means the area within the corporate boundaries of the said municipality;
- ff. "Village CAO" means the Chief Administrative Officer of the Village as appointed by Bylaw, and anyone authorized by the Village CAO;
- gg. "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*;
- hh. "Weekday" means Monday through Friday, inclusive, unless the day is a holiday, as defined in the *Interpretation Act*;
- ii. "Weekend" means Saturday and Sunday or any other holiday as defined in the *Interpretation Act*.

## PART 2. NOISE

### GENERAL PROVISIONS

- 3. No person shall in either Day-time or Night-time:
  - a. make, continue, cause, or allow to be made or continued any excessive, unnecessary, or unusual Noise of any type;
  - b. allow or permit any real or personal property that is owned, occupied or controlled by that Person to be used in any way that allows excessive, unnecessary, or unusual Noise of any type to emanate from such property;
  - c. operate, allow or permit the operation of a speaker system of any type at an unnecessarily loud volume, thereby creating excessive noise;

## VILLAGE OF LONGVIEW

### BYLAW 355-13

- d. operate a motorized vehicle, including Off-Highway Vehicles, if the exhaust muffler is cut out, disconnected or has had the baffle plate or other parts removed.
4. Except as authorized pursuant to this Bylaw, no owner or occupier of a Premises shall make or cause or allow to be made or continue any noise which emanates from the Premises and disturbs or annoys a Person, including any loud outcry, clamour, shouting, movement, music or activity.

#### ACTIVITIES IN RESIDENTIAL DEVELOPMENTS

5. No Person shall operate:
  - a. a lawn mower;
  - b. a Motorized Garden Tool;
  - c. a Power Tool outside of any building or structure;
  - d. a model aircraft driven by an internal combustion engine of any kind;
  - e. a snow clearing device powered by an engine of any kind;
  - f. a motorized snow or leaf blowing device;
  - g. any other motorized device which may cause a disturbing noise;

in a Residential Development during the Night-time.

6. A Person who owns, occupies or controls a Truck, as defined in this Bylaw, or School Bus must not at any time allow it to remain running for longer than twenty (20) minutes when it is stationary in a Residential Development or within 150 metres of a Residential Development.

#### VEHICLE NOISES

7. Except as authorized, no Person shall permit a vehicle located on a Premises to emit noise which emanates from that Premise and disturbs or annoys any Person, including noises from excessive engine revving and stereo and amplification equipment in the vehicle. For the purposes of this section of the Bylaw, a vehicle includes a Vehicle and Off-Highway Vehicle, but does not include tractors or other vehicle operated in the maintenance of property.
8. If a vehicle is involved in an offence referred to in Section 7 the registered owner of that vehicle is guilty of an offence.

**VILLAGE OF LONGVIEW**

**BYLAW 355-13**

**OUTDOOR SPEAKER SYSTEMS**

9. No person shall operate an Outdoor Speaker System on a parcel where a property line of the parcel is within 150 metres of a Residential Development during the period beginning at 10:00 P.M. and ending at 7:00 A.M. the following day.

**EXEMPTIONS**

10. The provisions of this Part do not apply to:
  - a. emergency vehicles;
  - b. construction in Residential Developments during the Day-time, whether or not the Construction requires any municipal permits;
  - c. work on a municipal street or on a public utility carried out by the owner or operator of the public utility, or its contractors;
  - d. any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta;
  - e. work performed in relation to a highway or public utility by the owner or operator of the public utility, or its contractors;
  - f. activities or events exempted under the Land Use Bylaw;
  - g. work or activities deemed to be an emergency.
11. The provisions of this Part must not be interpreted to prevent:
  - a. the ringing of bells in churches, religious establishments, and schools;
  - b. the use of signalling devices of Vehicles in their normal operation for the purpose of giving warning to other drivers or pedestrians;
  - c. the sounding of any alarm or warning to announce a fire or other emergency;
  - d. the playing of a band or other activities related to a lawful parade, event, or public demonstration.

## VILLAGE OF LONGVIEW

### BYLAW 355-13

#### PERMITS

12. A Person may make application to the Village CAO for the temporary allowance of noise that would otherwise violate this Bylaw.
13. The application made pursuant to Section 12 must contain the following information:
  - a. the name, address and telephone number of the applicant;
  - b. the address of the site;
  - c. a description of the source of the noise;
  - d. the period of time that the exemption is desired.
14. An Officer may, in his sole discretion:
  - a. waive any requirement of Section 13;
  - b. issue a temporary allowance where it is determined that circumstances make it impractical for the applicant to comply with this Bylaw;
  - c. revoke any temporary allowance that has been issued if the Officer determines that the applicant has not taken sufficient measures to minimize noise;
  - d. impose any conditions on the issuance of the allowance that the Officer considers appropriate.

#### PART 3. NUISANCES & UNSIGHTLY PREMISES

##### NUISANCES

15. An owner or occupier of a Premise shall not cause or allow that property or the use of that property to constitute a Nuisance.
16. "Nuisance" for the purpose of this Part, includes any use of or activity upon a property which is offensive in the opinion of an Officer, or has or may have a detrimental impact upon any person or other property in the neighbourhood, and without limiting the generality of the foregoing, includes the following
  - a. the posting or exhibiting of posters, signs, billboards, placards, writings or pictures upon any fence or wall on any property, where the same are accumulated and become in a dilapidated or unsightly condition;
  - b. drawing, painting, or writing or any signs or message upon public or private property except with the prior permission of the owner of the property;



**VILLAGE OF LONGVIEW**

**BYLAW 355-13**

- c. the whole or any part of more than one unregistered vehicles which are inoperative by reason of disrepair, removed parts or missing equipment;
  - d. equipment or machinery that has been rendered inoperative by reason of disassembly, age or mechanical condition;
  - e. the flow of water from hose, eavestrough, downspout, or similar device on the premise directed towards adjacent premises if it is likely that the water from the hose, eavestrough, downspout, or similar device will enter the adjacent premises;
  - f. the open or exposed storage on the premise of any industrial fluid, including engine oil, brake fluid, or antifreeze, or any other hazardous materials;
  - g. the whole or part of an animal carcass, manure, animal or human excrement, sewage, or any other biological waste;
  - h. the creation of smoke, dust or other airborne matter without taking reasonable precautions that the matter does not escape the Premises;
  - i. the shining of an outdoor light directly into the living or sleeping areas of an adjacent Premise.
17. No person shall place, deposit, throw, or cause to be placed, deposited or thrown upon any village property, including any street, lane, sidewalk, parking lot, park, or other public place:
- a. a cardboard or wooden box, carton, container, or receptacle of any kind;
  - b. a paper, wrapper, envelope, or covering of any kind, whether paper or not, from food or confectionary;
  - c. paper of any kind, whether or not containing written or printed matter thereon;
  - d. any human, animal, or vegetable matter or waste;
  - e. any glass, crockery, nails, tacks, barbed wire or other breakable or sharp objects;
  - f. scrap metal, scrap lumber, tires, dismantled or wrecked or dilapidated motor vehicles or parts there from;
  - g. any motor vehicle or any part of any motor vehicle which may, in whole or in part, obstruct any highway, street, lane, bi-way or other public place;
  - h. dirt, filth, or rubbish of any kind whether similar or dissimilar to the foregoing.

**VILLAGE OF LONGVIEW**

**BYLAW 355-13**

18. A person who has placed, deposited or thrown or caused to be placed or thrown anything or any matter mentioned in Section 17 upon any street lane, sidewalk, parking place, park, or other public place shall forthwith remove it.
19. Notwithstanding Section 17.d, the accumulation of manure or other animal waste on a property used for agricultural purposes shall not constitute a nuisance under this Bylaw, conditional to it not adversely affecting the quality of life or health of the neighbouring parties.

**UNSIGHTLY PREMISES**

20. An owner or occupier of a Premise shall not cause or allow that property to be an Unsightly Premise.
21. "Unsightly Premise" for the purpose of this Part, includes, but is not limited to:
  - a. the accumulation of rubbish, refuse, garbage, papers, packages, containers, bottles, cans, dirt, soil, gravel, rocks, sod, broken household furniture, chattels or goods, boxes, cartons, discarded fabrics, and the like;
  - b. uncut grass or the presence of weeds, which in the opinion of an Officer, are excessive or which demonstrate neglect by the owner;
  - c. the accumulation of yard material, ashes, or scrap building material;
  - d. the accumulation of building materials, whether new or used, unless the owner or occupier can establish that a construction or renovation undertaking is being carried out on the premises and that the project has begun or the beginning of the work is eminent; and that the material is stacked or stored in an orderly manner;
  - e. any form of scrap, litter, trash, or waste of any kind.

**MAINTENANCE STANDARDS – RESIDENTIAL DEVELOPMENTS**

22. All buildings, structures and improvements to property in the Village shall be maintained so that the:
  - a. foundations;
  - b. exterior walls;
  - c. roof;
  - d. windows, including frames, shutters and awnings;
  - e. doors, including frames and awnings;

**VILLAGE OF LONGVIEW**

**BYLAW 355-13**

- f. steps, sidewalks, and driveways; and
- g. fences

are kept in a reasonable state of repair.

23. All fixtures, improvements, renovations or additions to any building, structure or improvement of property, including, but not limited to:

- a. exterior stairs;
- b. porches;
- c. decks;
- d. patios;
- e. landings;
- f. portable seasonal lawn furniture and accessories;
- g. gazebo;
- h. balconies; or
- i. other similar structures

shall be maintained in a reasonable state of repair.

24. All owners or occupiers of a property shall ensure that all garbage is stored in animal and weatherproof containers and are responsible for any such clean up relating to a violation of this section.

**BOULEVARD MAINTENANCE**

25. Any person having occupation and control of a property, and whether such person is the owner, lessee, tenant or agent of the owner of the property, shall maintain, including but not limited to cutting the grass, on the boulevard abutting the frontage of such property and on the boulevard abutting the flankage of such property.

26. For the purposes of this Bylaw a boulevard shall be considered to be a portion of and included in the property itself.

## VILLAGE OF LONGVIEW

### BYLAW 355-13

#### EXEMPTIONS

27. The provisions of this Part shall not be interpreted to prevent bona fide and permitted commercial, industrial, agricultural, construction, demolitions, renovation, landscaping, clean-up, storage or other related activities from being carried out on, or in relation to a Premise.

#### GENERAL PROVISIONS

28. The Owner of a Premise that carries on, or permits the carrying on of any activities referred to in this Part of the Bylaw shall ensure that all reasonable steps are taken to minimize the duration and visual impact of any resulting untidiness or unsightliness of the Premise.
29. In accordance with Section 542 of the *Municipal Government Act*, as amended or replaced from time to time, an Officer may enter on to Lands, upon providing the Owner with reasonable notice, for the purpose of carrying out an inspection to insure compliance with the provisions of this Bylaw or enforcement of any other action that is required or authorized under this Bylaw.
30. If the Officer considers any property to be a Nuisance or Unsightly Premise, the Officer may issue a Remedial Order or a Violation Ticket, or both a Remedial Order and Violation Ticket.

#### PART 4. REMEDIAL ORDERS

31. Every Remedial Order written with respect to this Bylaw must comply with the *Municipal Government Act*.
32. A Remedial Order written pursuant to this Bylaw may be served personally upon the owner of the premises to which it relates, or it may be left with a Person apparently over the age of eighteen (18) years at the premises, or sent by regular mail to the address on the tax roll, or posted on the parcel in contravention of this Bylaw and the Remedial Order shall be deemed to have been served upon the expiry of three (3) days after the Remedial Order is posted.
33. Every person who fails to comply with a Remedial Order issued pursuant to this Bylaw within the time frame set out in the Remedial Order commits an offence.

#### APPEAL OF REMEDIAL ORDERS

34. A person to whom a Remedial Order is directed may seek a review of the Remedial Order by filing an appeal in writing to the Village CAO within fourteen (14) days of the receipt of the Remedial Order.
  - a. A person to whom a Remedial Order has been issued under Section 20 for a property considered Vacant under the definition within this Bylaw, must file their appeal within seven (7) days of receipt of the Remedial Order.

## VILLAGE OF LONGVIEW

### BYLAW 355-13

35. An appeal must state the name of the appellant, the municipal address of the property to which the Remedial Order being appealed from relates, a day-time telephone number at which the appellant may be reached, and an address at which documents in relation to the appeal may be delivered.

#### PART 5. ENFORCEMENT

##### OBSTRUCTION

36. No person shall resist or willfully obstruct or attempt to obstruct an Officer or a member of a Fire Department in the lawful execution of his duties.

##### OFFENCE

37. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable upon summary conviction, to the specified penalty for the offence as set out in Schedule "A".
38. A Peace Officer is hereby authorized and empowered to issue Violation Tickets to any person who the Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
39. A Violation Ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with the *Provincial Offences Procedure Act*.
40. The Person to whom the Violation Ticket has been issued may plead guilty by making a voluntary payment in respect of the summons by delivering to the Provincial Court of Alberta, on or before the initial appearance dates, the Violation Ticket together with an amount equal to the specified penalty as set out in Schedule "A".
41. When a Clerk of the Provincial Court of Alberta accepts receipt of a voluntary payment pursuant to Section D of the *Provincial Offences Procedure Act*, the act of recording the payment constitutes the acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.

##### VIOLATION TICKETS AND PENALTIES

42. Where a Peace Officer believes that a person has contravened any provision of this Bylaw, the Peace Officer may commence proceedings against the Person by issuing a Violation Ticket pursuant to Part 2 of the *Provincial Offences Procedure Act*.
43. The minimum specified penalties are outlined in Schedule "A" of this Bylaw.

## VILLAGE OF LONGVIEW

### BYLAW 355-13

44. Notwithstanding Section 37 of this Bylaw, if a person is convicted of violating the same provision of this Bylaw twice within twelve (12) months from the date of the first offence, the minimum specified penalty for the second such violation shall be double the amount set out in Schedule "A" of this Bylaw.

#### ENFORCEMENT

45. Where a Peace Officer issues a Person a Violation Ticket in accordance with Section 42 of this Bylaw, the Peace Officer may either:
- a. allow the Person to pay the minimum specified penalty as provided in Schedule "A" of this Bylaw; or
  - b. require a Court appearance by the Person where the Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*.
46. If a Remedial Order is issued pursuant to this Bylaw, the Village may take whatever actions or measures are necessary to deal with the unsightly condition of a property in accordance with the *Municipal Government Act*, and collect any unpaid costs or expenses incurred by the Village in accordance with the Act.
47. The Village is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw, the municipality may take into account any practical concerns, including available municipal budget and personnel resources.
48. The costs and expenses of the actions or measures taken by the Village may be charged in addition to any penalty imposed under this Bylaw.

#### PART 6. GENERAL PROVISIONS

49. 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 prohibitions of this Bylaw.
50. Nothing in this Bylaw relieves a person from complying with any Federal or Provincial Law or Regulation, any other bylaw or any requirements of lawful permit, order or license.
51. Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
52. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.
53. All schedules attached to this Bylaw shall form part of this Bylaw.

**VILLAGE OF LONGVIEW**

**BYLAW 355-13**

54. This Bylaw rescinds Village of Longview Bylaws #325.09, #335-10, and #346-11.

55. This Bylaw comes into full force and effect upon third and final reading.

**READ** a first time this 14<sup>th</sup> day of June, 2013

**READ** a second time this 30<sup>th</sup> day of July, 2013

**READ** a third time this 30<sup>th</sup> day of July , 2013



MAYOR



CHIEF ADMINISTRATIVE OFFICER