

**SUMMER VILLAGE OF VAL QUENTIN
IN THE PROVINCE OF ALBERTA
BYLAW NO. 283-22**

BEING A BYLAW OF THE SUMMER VILLAGE OF VAL QUENTIN IN THE PROVINCE OF ALBERTA

WHEREAS, the Council of the Summer Village of Val Quentin has the authority under Section 7 of the *Municipal Government Act* (Chapter M-26, R.S.A. 2000 as amended) to enact 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 Council of the Summer Village of Val Quentin in the Province of Alberta, duly assembled in a regular meeting, hereby enacts as follows:

PART 1 – PURPOSE, DEFENITIONS & INTERPRETATION

1 – PURPOSE

The purpose of this Bylaw is to regulate Property, and 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 Village.

2 - DEFINITIONS

- Boulevard** has the same meaning as in the *Traffic Safety Act*;
- CAO** means the Chief Administrative Officer or designate of the Summer Village of Val Quentin;
- Enforcement Officer** means a Peace Officer, Bylaw Enforcement Officer, RCMP, or any other Person authorized by the Council of the Summer Village of Val Quentin to enforce the provisions of this Bylaw;
- Gross Weight** includes both the total weight transmitted to the road by a single axle group on a vehicle placed on public roads as determined in accordance with the Traffic Safety Act and the regulations made thereunder and the total maximum weight transmitted to the road by all the axles of a vehicle used on the public roads aforesaid determined in accordance with the *Traffic Safety Act* and the regulations thereunder.
- Heavy Vehicle** means a vehicle with or without load, exceeding any of the following, 2 axles or 6 metres in length, have a gross weight of 5500 kilograms.

motor homes or recreational vehicles; which is a vehicle or combination of vehicle and trailer designed for vacation, camping, or similar recreation purposes shall be excluded from heavy vehicles.

Motor Vehicle means a vehicle propelled by any power other than muscular power, or a moped, but does not include a bicycle, a power bicycler, an aircraft, or a motor vehicle that runs only on rails.

Municipal Council means the Municipal Council of the Summer Village of Val Quentin;

Municipal Tag means a ticket issued on behalf of the Village which alleges an offence issued pursuant to the authority of a Bylaw of the Summer Village of Val Quentin;

Occupy/Occupant means a Person residing on or in or a Person who is in apparent possession or control of Property;

Owner means:

- (i) 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; and
- (ii) in respect of Property other than land, the Person in lawful possession of it;
- (iii) Person means any individual, firm, partnership, association, corporation, trustee, executor, administrator, contractor, agent or other legal entity or representative;

Property means any and all of a parcel of land or improvements on land, or items or personal Property;

Sidewalk has the same meaning as in the *Traffic Safety Act*;

Village means the Municipal Corporation of the Summer Village of Val Quentin;

Violation Ticket has the same meaning as in the *Provincial Offence Procedures Act*.

3 – INTERPRETATION

- a) This Bylaw may be referred to as the “Community Standards Bylaw.”
- b) 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.
- c) Marginal notes and headings in this Bylaw are for reference purposes only.
- d) Nothing in this Bylaw relieves a Person from complying with any Federal or Provincial law or regulation.
- e) Wherever the singular or masculine is used throughout this Bylaw, the same shall be construed as meaning the plural or feminine respectively.
- f) Where a word or term is defined by this Bylaw, derivatives of that word or term will be interpreted to have the same general meaning of the defined word or term, as the context may require.

PART II - PROPERTY MAINTENANCE

1 – Land and Buildings

- a) A Person shall not cause or permit a nuisance or unsightly condition to exist on land they own or occupy.
- b) 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. parking of heavy commercial vehicles/farm equipment;
 - v. smelly or messy compost heaps;
 - vi. unkempt grass or weeds on Property;
 - vii. production of dust, dirt or smoke;
 - viii. production of any generally offensive odor; and
 - ix. 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, or
 - ✓ that impairs visibility required for safe traffic flow at any intersection adjacent to the land.
- c) On-Site Vehicle Storage
 - i. no person may conduct any repair work on a Motor Vehicle, including mechanical repairs, auto body work frame repair, collision repair, auto painting of modifications to the body or rebuilding of a Motor Vehicle, on any Property in a Residential District;
 - ii. no more than one (1) unregistered motor vehicle shall be permitted to be kept or stored on any residential parcel upon which a single detached dwelling is located.
 - iii. no unregistered motor vehicle shall be allowed to be kept or stored on a residential parcel which does not have a dwelling located on it.
 - iv. no person shall park or permit the Commercial or Heavy Vehicle to be parked in any area within the Summer Village for more than 24 hours.
 - v. this prohibition shall not apply to vehicles of the Police Department or Fire Department or commercial vehicles of any public utility company engaged in the performance of public utility work, or vehicles making local deliveries or rendering service to occupants of buildings within the Summer Village of Val Quentin.

2 – OCCUPIED/UNOCCUPIED BUILDINGS

- a) A Building normally intended for human habitation that is occupied or unoccupied shall have all doors or window openings in the Building 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) The Owner of a Building that is unoccupied 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;
 - iv. maintaining any boulevard adjacent to the 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. the front of the Property;
 - ii. the rear of the Property;
 - iii. a side which abuts another Property, only if there is a minimum of 6 metres of permeable ground between the outfall of the downspout or eaves trough and the adjacent Property.

PART III – MISCELLANEOUS RESTRICTIONS AND PROHIBITIONS

1. No Person shall allow a vehicle to leak engine oil, transmission fluid or any environmentally harmful fluids of any type on to a public street within the village. A vehicle leaking such fluids 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.
2. No Person shall dispose of anything into a sewer, manhole, or catch basin excepting those Persons authorized by issuance of a permit by the Tri Village Sewer Services Commission at those sites designated by that permit.
3. No Person shall tamper with or remove a manhole cover or valve cover from its seat-base without authorization by the Tri Village Sewer Services Commission.
4. No Person other than the Owner or Occupant, Village representative or collection contractor shall interfere with, disturb the contents of, remove material from or add additional material to any waste collection container located on any residential or commercial Property within the Village.
5. No Person shall place or permit to be placed a refrigerator, freezer or other similar appliance on land they own or occupy unless effective measures have been taken to prevent opening and closing of the appliance which may include:
 - a) the complete removal of the door;
 - b) removal of the door handle mechanism if this prevents opening and closing of the appliance;

- c) removal of the door hinges; and
 - d) locking the appliance to prevent access.
6. No Person shall obstruct or hinder any Person, Peace Officer, Bylaw Enforcement Officer, staff member or contracted service provider in the exercise or performance of their powers, or the Village's powers, pursuant to this Bylaw.
 7. No person shall place, deposit or throw or cause to be placed, deposited or thrown upon any Village property, including street, lane, sidewalk, parking lot, park, public facility or other public place or water course any refuse debris or litter.

PART IV – ENFORCEMENT

1 – OFFENCE

- a) A Person who contravenes, breaches or fails to comply with 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 that the offence 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 contravenes, breaches or fails to comply with this Bylaw is guilty of an offence and is liable to a fine as listed in Schedule "A" of this Bylaw.
- b) If a Municipal Tag is issued in respect of an offence, the Municipal Tag must specify the fine amount established by this Bylaw for the offence.
- c) A Person who commits an offence may, if a Municipal 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) If a Violation Ticket is issued in respect of an offence, the Violation Ticket may:
 - i. specify the fine established by this Bylaw for the offence; or
 - ii. require a Person to appear in court without the alternative of making a voluntary payment;
 - iii. in the case of a corporation: • be served personally to any director or officer of the corporation • be served 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 • be served by mail addressed to the registered office of the corporation.
- e) Notwithstanding whether a Municipal Tag or Violation Ticket has been issued pursuant to this Bylaw, any Owner/Occupant who contravenes this Bylaw may also be issued an Order to Remedy pursuant to Sections 545 or 546 of Municipal Government Act.

3 – AUTHORITY TO ISSUE MUNICIPAL TAGS AND VIOLATION TICKETS

An Enforcement Officer employed by or contracted by the Village, is hereby authorized to issue Municipal Tags or Violation Tickets pursuant to this Bylaw.

4 – AUTHORITY TO ENTER LANDS

- a) Without restricting any other power, duty or function granted by this bylaw, an enforcement officer 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;

5 - APPEAL PROCEDURE

- a) The Owner or person who receives an Order pursuant to this Bylaw may request the CAO to review that Order by written notice.
 - i. the written request for a review of an Order issued must be received by the Summer Village of Val Quentin Administration within 7 days of the receipt of the Order;
 - ii. upon receipt of a written appeal the CAO will review the Order, the enforcement file, the bylaw and any other materials provided therewith. The CAO may decide to uphold, vary or revoke the Order and will communicate in writing within 10 days of receipt of the appeal, including where applicable the date by which the upheld or varied Order must be complied with.

6- SEVERABILITY

- a) All sections of this Bylaw are separate and severable. Should any section or part of this Bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

7 – ADMINISTRATION

- a) Where the provisions of this Bylaw conflict with any other Bylaw enacted by the Summer Village of Val Quentin, the provisions of the Bylaw shall apply.

READ A FIRST TIME THIS 25th DAY OF MAY, 2022

READ A SECOND TIME THIS 25TH DAY OF MAY, 2022

READ A THIRD TIME AND DULY PASSED THIS 25TH DAY OF MAY, 2022

Signed this 25th day of May, 2022

Mayor - Roger Montpellier

Municipal Administrator - Dennis Evans

SCHEDULE “A”

Any person who is in contravention of any part of the following sections of this Bylaw shall be subject to:

OFFENCES	SECTION	PENALTY
No person shall cause or permit a nuisance or unsightly condition to exist on the land including parking of heavy/commercial vehicles and farm equipment	1 (a) (b) (c)	\$250
Failure to secure an unoccupied/abandoned building	2 (a)	\$150
Failure to maintain the property of an unoccupied/abandoned building	2 (b)	\$150
Drainage	3 (a) (b)	\$250
Miscellaneous restrictions	Part III Sections 1 - 7	\$150

Contravention of any and each Bylaw provision:

Second Offence at the discretion of the attending Peace Officer

Double the above Penalties

Third and subsequent Offence at the discretion of the attending Peace Officer

Triple the above Penalties