

**TOWN OF TOFIELD
BYLAW NUMBER 1262**

**BEING A BYLAW OF THE TOWN OF TOFIELD, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF ESTABLISHING A COMMUNITY STANDARDS BYLAW
FOR THE TOWN OF TOFIELD.**

WHEREAS, under the authority of the *Municipal Government Act*, RSA 2000, Chapter M-26, the Council of the Town of Tofield may pass Bylaws respecting the health and safety of the community and for controlling dangerous and untidy properties;

AND WHEREAS under the authority of the *Municipal Government Act*, RSA 2000, Chapter M-26 the Council of the Town of Tofield may pass Bylaws and may make provisions that it deems necessary to carry out the purposes of the Bylaw;

AND WHEREAS the Council of the Town of Tofield deems it desirable and necessary to promote the maintenance of properties, within the corporate limits of the Town of Tofield;

NOW THEREFORE, the Council of the Town of Tofield, in the Province of Alberta, duly assembled **ENACTS** as follows:

1. SHORT TITLE

- 1.1 This Bylaw may be cited as the "Community Standards Bylaw".

2. DEFINITIONS

- 2.1 "**Building Material**" means all construction and demolition material accumulated on a premises while storing, constructing, altering, repairing or demolishing any structure and includes, but is not limited to, earth, vegetation or rock displaced during such storing, construction, alteration or repair.
- 2.2 "**Council**" means the Municipal Council of the Town of Tofield.
- 2.3 "**Corporate Limits**" shall mean all the lands within the Corporate Limits of the Town of Tofield.
- 2.4 "**Chief Administrative Officer**" shall mean the Chief Administrative Officer of the Town of Tofield.
- 2.5 "**Detrimental to the Surrounding Area**" means causing the decline of the market value of property to the surrounding area.
- 2.6 "**Dismantled Vehicle**" means a motor vehicle or trailer that has become dilapidated or disassembled which may include but not limited to flat tires, missing tires and rims, fenders, doors, windows, hoods, trunks, and boxes.
- 2.7 "**Emergency**" shall mean any situation in which there is imminent danger to the general public or a potential danger to the property or surrounding properties.



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- 2.8 **"Garbage"** means any rubbish, refuse, papers, packages, containers, bottles, cans, manure, animal or human excrement or sewage or the whole or a part of an animal carcass, dirt, soil, gravel, rocks, sod, petroleum products, hazardous materials, disassembled equipment or machinery, broken household furnishings or appliances, boxes, cartons, discarded fabrics, any materials composed or organic matter which is or may become decomposed, including the by-products from the preparation, consumption or storage of food.
- 2.9 **"Inspector"** means any person(s) designated by the Town of Tofield to enter and inspect property in accordance with the provisions of this Bylaw.
- 2.10 **"Motor Vehicle"** shall mean a vehicle propelled by any power other than muscular power, or a moped but does not include a bicycle, an aircraft, an implement or husbandry or a motor vehicle that runs only on rails.
- 2.11 **"Peace Officer"** means
- (a) any member of the Royal Canadian Mounted Police;
 - (b) any member of a Municipal Police Service;
 - (c) any Community Peace Officer;
 - (d) any Bylaw Enforcement Officer;
- 2.12 **"Property Owner"** means a person or persons, a firm, company or corporation that is registered on the Tax Roll of the Town of Tofield and Alberta Land Titles office.
- 2.13 **"Property"** are any lands, buildings or premises in the Town of Tofield.
- 2.14 **"Recreational Vehicle"** means a vehicle or trailer that is designed, constructed and equipped, either temporary or permanently as a temporary accommodation for travel, vacation, or recreational use, and includes duly licensed travel trailers, motorized homes, slide-in campers, chassis mounted campers, tent trailers, boats and all-terrain vehicles.
- 2.15 **"State of Disrepair"** means
- (a) the significant deterioration of buildings, structures or improvements, or portions of buildings, structures or improvements;
 - (b) broken or missing windows, siding, shingles, shutters, eaves or other building material, or;
 - (c) significant fading, chipping or peeling of painted areas of buildings, structures or improvements on property;
- 2.16 **"Town"** or **"Town of Tofield"** means the Municipal Corporation of the Town of Tofield.



- 2.17 **"Unightly Premises"** shall mean any structure or property located within the Town that in the opinion of the Inspector, Peace Officer or Chief Administrative Officer, is unsightly to such an extent as to detrimentally affect the amenities, use, value or enjoyment of the surrounding lands in reasonable proximity to the unsightly premises, or is otherwise detrimental to the surrounding area or in an unsightly condition as defined in the *Municipal Government Act, rsa 2000, Chapter M-26.*

3. GENERAL

- 3.1 The property owner of any real property is ultimately responsible for all activities on the property which may constitute prohibition of this bylaw.
- 3.2 Nothing in this bylaw relieves a person from complying with any Federal or Provincial law or regulation, other bylaw or any requirements of any lawful permit.
- 3.3 Where this bylaw refers to another act, bylaw regulation or agency, it includes reference to any act, bylaw, regular or agency that may be substituted therefore.
- 3.4 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.
- 3.5 All schedules attached to this bylaw shall form part of this bylaw.

4. NUISANCE

- 4.1 A nuisance, for the purpose of this Bylaw, is any condition on or around a Property that is untidy, unsightly, offensive, and dangerous to health and safety or any person, or has or may have a detrimental impact upon any person or other property in the neighborhood, or which interferes with the use and enjoyment of other adjacent property, and without limiting the generality of the foregoing includes the following:
- (a) trees or shrubs that interfere with driver visibility, civic works or any public utilities;
 - (b) dense or opaque dust emitted into the atmosphere;
 - (c) compost heaps that emit foul odors or attract pets or vermin;
 - (d) the storage or accumulation of dilapidated or derelict vehicles or the storage of more than two (2) unregistered motor vehicles on any one residential property regardless of their condition or how neatly they might be stored, except for motor vehicles that are being stored in a permitted accessory building or a temporary structure with approved municipal permits;

- (e) wrecked, inoperable or dismantled vehicles, or those that are unsightly and abandoned;
 - (f) no person shall park a vehicle or recreational vehicle on private property within one (1) metre of a sidewalk;
 - (g) no person shall park a motor vehicle or recreational vehicle in the front portion of the living space of a residential property. Failure to comply with this section shall result in the motor vehicle or recreational vehicle being towed at the Registered Owners expense;
 - (h) any loose materials including garbage and building materials.
- 4.2 The following sets out the standards by which grass and weeds must be kept:
- (a) Uncut grass or weeds on any parcel of land shall be maintained at a height not to exceed 15cm (6 inches) in length;
 - (b) Property owners are required to maintain the front, rear or side portions boulevards adjacent to their Property.
- 4.3 No property owner shall cause or allow any building, and/or structure, or fence to become an unsightly premise or in a condition where its appearance and/or condition is a safety hazard or is detrimental to the surrounding area.
- 4.4 No property owner shall permit the accumulation of piles of dirt, stone, garden waste, turf, trees, shrubbery, old implements, disassembled or broken vehicles, inoperable off highway vehicles, scrap iron, lumber, glass, furniture, appliances, bicycles, lawn mowers, food containers, waste paper or cardboard on his or her property.
- 4.5 No property owner shall dump or cause to be dumped any rubbish, garbage, waste petroleum products (either liquid or solid), or dispose of any material in an area within the Town except at locations specifically designated by the Chief Administrative Officer.
- 4.6 All existing natural gas, electrical, water, sewer or other services to the site of an abandoned building, structure, or excavation shall be shut off. All external natural gas, electrical, water, sewer lines shall be capped. Cleanout caps shall be properly secured, caulked, or soldered into place.
- 4.7 Property Owners, tenants and agents must prevent the occurrence of, or immediately remedy, any Nuisance.



5. DANGEROUS BUILDINGS AND STRUCTURES

- 5.1 The property owner(s) of properties in the Town, shall ensure that any building(s) in a state of disrepair shall be demolished and removed from the property or it shall be restored to a useable and safe condition in accordance with Building Standards and Codes and with the required demolition or building permits.
- 5.2 No property owner shall cause or allow his or her property to be a danger to public safety through the presence of excavations, structures, materials or any other hazard or condition posing a risk to public safety.
- 5.3 If a cleanup notice under this section of the Bylaw is not complied with within fourteen (14) days of the date of the notice, the Inspector shall have the right to direct any person to do the work required by the order. The cost of doing the work required, plus an administration fee (as per Schedule "B"), may be recovered from the property owner as debt due to the Town of Tofield or such costs may be charged against the property taxes due and owing, pursuant to the *Municipal Government Act*, R.S.A. 2000, M-26.

6. INSPECTION AND DIRECTION

- 6.1 Any inspector may enter any public or private property to conduct an inspection within the Town and may inspect for nuisances.
- 6.2 After inspection, the Inspector may issue a Notice to Maintain Property (Schedule "A") which shall specify a deadline for compliance and shall outline specific instructions to remedy the nuisance.
- 6.3 The Town must serve the Notice to Maintain Property by delivering it or sending it by mail to the property owner(s) by way of:
 - (a) delivering it in person to the owner(s);
 - (b) posting it to the door of a building or in any other conspicuous place on the property, and is effective on the day of posting;
 - (c) hand deliver;
 - (d) regular mail.

7. PENALTIES

- 7.1 If the property owner has not complied with the Notice to Maintain Property by a specified deadline the Inspector, Peace Officer or Chief Administrative Officer may direct any work to be done to remedy the nuisance, including the disposition of any materials, and will charge the owner, for all the costs associated with maintaining the property.
- 7.2 If the owner fails to pay for the work done under Section 7.1, the Town shall charge the cost against the land as taxes due and recover the cost as taxes.

- 7.3 The cost of the work done, as stated under section 7.1, is charged in addition to an Administration Fee, as set out in Schedule "C".
- 7.4 The Town, or any Inspector who inspects any property under this Bylaw, or any person who performs any work on behalf of the Town to remedy a nuisance is not liable for any damages caused by the inspection, the work, or disposition of any material in order to complete the work set out in the Notice to Maintain Property.

8. RESCIND

- 8.1 Bylaw No 1118 and amendments thereto are hereby rescinded.

9. EFFECTIVE DATE

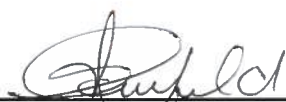
- 9.1 This bylaw shall come into full force and effect upon the date of the third and final reading.

READ for a first time this 11th day of May, 2015 A.D.

READ for the second time this 11th day of May, 2015 A.D.

READ for a third time this 11th day of May, 2015 A.D.


MAYOR


CHIEF ADMINISTRATIVE OFFICER



"SCHEDULE A"

5407 – 50th STREET
PO Box 30
TOFIELD, ALBERTA
T0B 4J0

TELEPHONE (780) 662-3269
FAX (780) 662-3929
WEB SITE
<http://www.tofieldalberta.ca>
E-MAIL
adminclerk@tofieldalberta.ca

Town of Tofield

NOTICE TO MAINTAIN PROPERTY

To: _____

File#:

Date:

Dear Sir/Madam:

The condition of your property located at _____, Lot(s) _____, Block _____, Plan _____, is in question, and you are being issued a form letter regarding required maintenance.

In order to keep the Town of Tofield clean and attractive in accordance with the Community Standards Bylaw No. 1262, the Town is asking your cooperation by keeping the lot(s) clean. Cleanup may be done by methods outlined in this notice within **fourteen (14) days** of the mailing of this letter.

The questioned area regarding your property and a suggested remedy is as follows:

Please give this matter your immediate attention. If you have any questions, contact the undersigned at (780) 632-7666.

If the work is not completed by _____, the Town of Tofield will have the work done by a contractor at the owner's expense. In addition to the contractor's bill, an Administrative Fee per lot will apply as per Schedule "C".

Sincerely,

Municipal Enforcement Services



SCHEDULE "B"

5407 – 50th STREET
PO Box 30
TOFIELD, ALBERTA
T0B 4J0

TELEPHONE (780) 662-3269
FAX (780) 662-3929
WEB SITE
<http://www.tofieldalberta.ca>
E-MAIL
adminclerk@tofieldalberta.ca

Town of Tofield

NOTICE OF ENTRY

To: _____

File#:

Date:

Dear Sir/Madam:

In accordance with Section 542 of the *Municipal Government Act*, RSA 2000, Chapter M-26 you are hereby notified that an Inspector or Peace Officer will be entering onto the property located at _____, Lot(s) _____, Block _____, Plan _____, on Date: _____.

In accordance with the Town of Tofields Community Standards Bylaw No. 1262, all costs incurred for any remedial action, including a \$75.00 administration fee per lot as per Schedule "C" will be the responsibility of the property owner and may be added to the tax roll.

Please give this matter your immediate attention. If you have any questions, contact the undersigned at (780) 636-7666.

Sincerely,

Municipal Enforcement Services

SECTION "C"

Administration Fee

SECTION:

AMOUNT

7.4 Administration fee for every lot requiring enforcement of Bylaw No. 1262 \$75.00 Effective June 1, 2015.

